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A POLICE RESPONSE TO DOMESTIC ASSAULTS

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ABSTRACT

In the past several years, domestic assault (wife-battering) has received considerable attention, and has emerged as an issue not only of social and familial concern, but one requiring a law enforcement response. A current focus of interest in Canada lies in the police response to this problem. Because the police act as the gatekeepers of the criminal justice system and because they stand as symbols of the community's attitude toward domestic assaults, it is felt that their actions and attitudes are important.

In recognition of these facts and in response to a motion passed unanimously in the House of Commons encouraging police departments to be more aggressive in laying charges in domestic assault cases, the Calgary Police Service adopted a policy which altered significantly the way its officers deal with these complaints. The policy directed officers to initiate charges at the time of the incident.

This study examines the impact of this new procedure on -

1. the numbers of charges laid, conviction rates, and sentencing trends;

2. victims' satisfaction with the charging procedure;

3. police officer perceptions of and attitudes toward the procedure and the handling of domestic assault incidents in general; and

4. the way the policy has affected domestic assault prosecutions, as well as some prosecutors' and judges' concerns about domestic assault cases in general.

Data was collected using various research techniques. Police department and court records were analysed to determine charging trends. Assault victims, police officers and other personnel in the criminal justice system were interviewed to determine the impact of the new procedure on their areas of concern and their satisfaction with it.

Some findings are :

Policy Implementation and Charging Activities

- The new procedure for dealing with domestic assault complaints has resulted in an increase in numbers and rates of charges. For every one (1) assault charge laid previous to the procedural change, seven (7) were laid after the policy, representing a 700% increase in charging activities. Discretion is still used in making the decision whether to charge and it is apparent that there are a significant number of assault incidents that do not result in charges.

- Types of charges laid have shifted from a pre-policy predominance of assault OBH (Level II) to common assault (Level 1).

- Absolute numbers of convictions have increased per month, but conviction rates have decreased from .50 to .34.

- Withdrawals have increased from 29% to 41% and these were attributed mainly to victim requests.

- Fines were the most common type of sentencing in both Common and OBH cases (61%) followed by Suspended Sentences (22%). Fines ranged from $20 to $500.

Domestic Assault Victim Response

- Domestic assault victims reported a significantly higher level of satisfaction with police handling of their complaint since the adoption of new charging procedures.

- The majority of victims felt that it was the responsibility of the police to decide whether charges should be laid.

- Those who had charges laid in their cases were more likely to estimate a decrease in future assaults.

- Two-thirds of victims did not feel that being a crown witness in their own cases would increase the likelihood of further assaults.

- Where charges were laid, 70% reported satisfaction with the way the cases were handled through their prosecution. Most frequent complaints concerned 1) the leniency of sentences, 2) their lack of information about the case, 3) their limited role in the court proceedings and 4) the lack of speed with which their case was adjudicated.

- Fifty percent (50%) of victims had some contact with the prosecutor regarding their case, but only 14% gave testimony.

- Many victims attempted to have charges withdrawn. These actions were explained as resulting either from pressure put on them by the accused, or the victim view that the impact on the assailant of laying charges provided a serviceable deterrent in itself.

Police Officer Response

- Officers reported a 41% increase in the number of times they laid common assault charges and a decrease in 'advising' since the policy directive. They also reported to using discretion in deciding whether or not to charge. It is possible that this increased number of cases still represents only some percentage of all domestic assault cases.

- Officers projected positive benefits for victims (e.g., increased protection, decrease of future assaults) and more likelihood on the part of women to report future offenses as a result of the new procedure.

- Officers were less likely to charge in cases where the victim did not want charges laid, or where she had previously dropped charges or not shown up in court. They were more likely to charge in cases where there was serious injury or officer awareness of previous abuse.

- Officers reported more dissatisfaction than satisfaction with the policy (50% vs. 40%). The main reason for satisfaction was that charging provided support to the victim and prevented further abuse. Officer dissatisfaction stemmed from victim non-cooperation and their attempts to have charges dropped, and the opinion that the victim should be responsible for laying common assault charges.

Views of Prosecutors and Judiciary

- The charging initiative was positively viewed by prosecutors who felt that 1) it benefits the victims by removing from them the requirement to lay Informations, 2) it results in a more even application of the Criminal Code, and 3) it impresses on assailants the wrongness and seriousness of their actions.

- An effective prosecution and judicial response to these cases was considered difficult given current practices. There is no unique approach in dealing with domestic assaults, nor is there a coordinated effort with other agencies to promote the appropriate sentencing or treatment for offenders.

Based on the information, the following suggestions were made -

- that a more explicit statement of policy requirements, as they relate to charging, be issued so as to increase officer propensity to charge in all appropriate cases;

- that officers receive training that deals with issues surrounding domestic assault from their own, from the victims' and from the prosecutors' perspectives;

- that the victims desire to have charges laid and their subsequent attempts to have them withdrawn may be understood in light of 1) the immediate positive benefits they derive from the laying of charges and 2) the subsequent pressures to which they are subjected; and

- that a coordinated approach to the charging, prosecution and sentencing of these cases, which addresses victim, police officer and assailant needs and concerns, be developed among agencies.

CHAPTER 1

INTRODUCTION

To say that the issue of domestic assaults has received greater attention and increased public awareness in the past 10 years is to repeat what has already been said in a great many other forums. Information has been gathered concerning its rate of occurrence, on causal theories, on victims' and professionals' perceptions of this issue, and on its social and personal impacts. While occurrence rates are tentative, causal theories not well developed, and long term impacts largely unknown, wife battering has emerged as an issue of legitimate social and criminal concern.

At the service level, because of increased public awareness and pressure from women's groups, programs have been initiated. Notwithstanding the excellent work of many of these programs, a coordinated approach to the problem has not evolved. A current focus of interest lies in the criminal justice system response to this problem. Because police act to a great extent as the gatekeepers of this system, considerable attention has been paid their role. Also, it is felt by many that police attitudes affect both the victim's and the batterer's perception of the incident because the police officers stand as a symbol of community and law-makers' perceptions of both the legitimacy of this

issue and the way it should be handled.

In response to these concerns, and such moves as the Canadian Parliament's unanimous motion encouraging police departments to press charges, the Calgary Police Service has adopted a policy which in effect alters significantly the way police officers deal with domestic assault complaints.[1] As opposed to the earlier policy of directing common assault victims to lay assault charges by way of private Informations, the new policy directs officers themselves to initiate charges. This policy demonstrates police recognition of the seriousness of such incidents, and also relieves the victim of the often difficult decision of whether or not to proceed with a private Information.

STUDY OBJECTIVES

The purpose of the following study is to examine this new charging procedure in terms of its impact on:

1. the numbers of charges laid, conviction rates and sentencing trends;

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[1] The new procedure is applicable to all common assaults, not only those that are between intimate parties of the opposite sex (domestic assaults). This study focuses solely on the policy impact on incidents commonly known as 'domestic assaults' or 'wife battering'.

2. the victims' perceptions of and satisfaction with the procedure;

3. police officer activities and their perceptions of and attitudes toward the policy; and

4. the way the procedure has affected (domestic) assault case prosecutions, and some prosecutors' and judges' concerns about domestic assault cases in general.

EVOLUTION OF THE POLICE ROLE IN DOMESTIC ASSAULTS

The traditional police role in responding to domestic assault complaints has been a reflection of societal attitudes. Until recently, these incidents were generally viewed as private family matters, and institutions in the criminal justice system such as police departments were unwilling to intervene.

Many reasons were put forward in support of non-involvement. Some arguments were that:

- the criminal justice system has no business interfering in family matters, unless of a very serious nature (i.e., serious injury);

- police action in domestic assaults, other than to separate the parties, is futile in that it does not intervene in the battering cycle;

- victims of assaults do not want intervention by police officers or the judicial process other than to stop the immediate incident;

- many police departments lack clear and specific policies for dealing with these incidents;

- police charges are futile because they will not be supported by other areas of the criminal justice system;

- victims' propensity to request withdrawals make time spent on police intervention non-productive and increases officer frustration;

- police intervention will only inflame an already volatile situation, thereby increasing the probability of violence to the woman;

- police receive little or no training in the presumed causes of domestic assaults, or why victims do not often take action. Lack of training of the police officers make them an inappropriate party to deal with this complex problem;

- police know of the potential violence in domestic situations and that they may be dangerous situations;

- police do not usually witness the assault, and evidentiary rules may make it somewhat difficult to prosecute domestic assault cases.

As a result, in other than very serious incidents, arrest avoidance was the accepted practice by most police departments. Changes to this role have come about as a result of better information and increased public and police awareness of this issue.

First, although the precise amount of wife battering has not yet been determined, and varying rates of occurrence have been reported, current research has indicated that the incidence of domestic assault is greater than had previously been thought. The percentage of Canadian women suffering assault by an intimate partner at some time during their relationship was put at 10% by MacLeod (1980). Based on more recent studies, 10% is seen as a conservative estimate. For example, Sloman and Cotterill (1983) estimated the extent of battering in one small Alberta town at 20%. In the U.S.A., the most rigorous research available (Lou Harris, 1979) estimated that 10% of women had been assaulted by an intimate partner in the preceding year, and that 21% had been assaulted at some time in their marriage. Victimization studies such as these, as well as the well-publicized space demands on women's shelters, point to a relatively high incidence of domestic assault.

Second, it has been speculated that arrest avoidance carries with it a hidden meaning for abuser and abused alike (Field, 1978). Fields cites arrest avoidance as a factor in continuance of spouse abuse. The message carried with

it is tacit approval to the assaulter, telling him, by implication, that what he is doing is okay. In conjunction, it carries a negative message to the victim who now knows she has no one to turn to, possibly discouraging her from seeking further help or reporting further incidents.

Third, it has become obvious that in asking assault victims to go through the process of laying a private information, the police were inadvertently setting up roadblocks to prosecution of these cases. Evidence of this lay in the fact that few private informations were ever laid. In effect, victims of domestic assault were being treated differently from other crime victims. Additionally, it was unknown what type of pressures might be put upon victims by the assaulting party to discourage the laying of charges.

Knowledge of these factors has impelled many police departments to view this problem as one, not only of familial and social concern, but also one with implications for themselves and the criminal justice system.

In some cases, the police department responses took the form of the creation of a crisis-intervention specialist team (uniformed or civilian personnel), or improved training in crisis intervention and mediation techniques. Under the specialist approach, teams could be used in situations with a 'psycho-social' component, where a more than strictly 'law enforcement' response was required. In the second instance, special training equipped all officers to deal with domestic situations more effectively.

Recently in Canada, the focus of attention has been on ... active law enforcement response to domestic assaults. On July 8, 1982, a motion[1] was passed in the House of Commons "encouraging all Canadian Police forces to establish a practice of having the police regularly lay charges in instances of wife beating, as they are inclined to do with any other case of common assault." This was prompted by a desire to ensure that all victims receive the full protection of the law; that the Criminal Code be applied evenly whether criminal charges resulted from incidents where the parties were known to each other or not; and from some encouraging results when one police department initiated a policy of laying charges in these cases.

CALGARY POLICE SERVICE RESPONSE

On November 17, 1982, the Calgary Police Service introduced a policy to have the investigating officer lay charges in cases of common assault. The policy memorandum read:

> "It has been the policy of the Calgary Police Service to advise the complainants to lay their own Informations in complaints of common assault...Effective immediately, the policy in this regard will be: "In all cases where there are reasonable and probable grounds to believe an offence

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[1] Hansard, July 8, 1982. Laying of charges in wife assault cases - motion under S.O. 43 - Mr. Arnold Malone (Crowfoot).

(common assault) has occurred, charges should be laid by the investigating officer."(See Appendix A).

All Service personnel were also instructed NOT to advise the complainant to lay his/her own Information.

Prior to the policy change, if a woman decided to charge her partner, the investigating officer would record the details of the incident and advise the complainant to lay her own private Information. The Information was typed in the Criminal Investigation Division at Police Headquarters and sworn to before a justice of the peace, who decided the following: whether or not a charge should be laid; the type of charge to be laid; the court appearance date; whether the case was to be heard in Family or Criminal Court; and whether a summons or warrant was to be issued to the assailant. In cases where the officer lays charges at the scene of the complaint, the woman is not required to go to Police Headquarters or see a justice of the peace.

Introduction of the new policy was viewed by the Calgary Police Service as a positive step in increasing the support and protection of victims of domestic assaults and in meeting the special and unique needs of battered women. Some projected benefits were that:

- the victim would no longer be responsible for the decision to charge;

- all common assaults, whether between strangers or intimate parties, would be handled in a consistent manner;

- the victim would no longer be required to go through the process of laying a private Information at Police Headquarters;

- the victim would feel that her complaint was viewed as legitimate and important, and that the police were doing something to halt the abuse;

- charging the assailant would reduce the possibility of future violence and/or break the cycle of battering; and

- abused women who had not previously reported assaults would be more inclined to contact the police for the above reasons.

RESEARCH PROBLEM AND STUDY DESIGN

The following study was designed to explore the impact of this policy in several areas. In short, it attempts to answer or shed some light on the following questions:

1. Has the new policy actually been implemented and, of so, has there been a change in the numbers, types, and rates of charges laid, in conviction rates and in sentencing trends?[3]

2. How have victims of domestic assaults been affected by this new policy? Do they find it an appropriate type of intervention? What are victims' views of their treatment as they proceed in the criminal justice system through the courts? Does this new policy result in more positive opinions of the criminal justice system and more willingness to cooperate with it in the future?

3. Have police officers adopted the new procedures? What is their degree of satisfaction with these procedures? What is their perception of these cases? Are there problems associated with its implementation? What is the attitude of officers toward police intervention in domestic assaults?

4. How are offenses of this nature handled by the Crown Prosecutor's office? Are there special problems associated with the prosecution of these cases?

To address these questions, data has been collected from several sources.

1. To document policy implementation, the Calgary Police Service Communications' log was analysed from August 1982 to March 1983 inclusive to determine the incidence of domestic assault complaints. Against this, the

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[3] On January 4, 1983, after this study was initiated, amendments to the Criminal Code resulted in the term 'common assault' to be dropped in favor of assault (Level 1). 'Assault OBH' was changed to assault (Level 2) and 'aggravated asssault' to assault (Level 3). For purposes of this study, the terms common assault and assault OBH will be used. They correspond to the new terms and are still commonly used and understood.

incidence of assault charges (domestic-related only) was measured. Changes in the ratio of charges to complaints were assumed to be indicative of policy implementation. Conviction rates were also determined for this time period.

A total of 164 reported cases of domestic assaults which resulted in the submission of police reports were analysed (See Table 3). Fifty-one (51) of these represent the last cases of wife battering reported in police files prior to the new charging procedure (Group 1 August 8 - November 17, 1982). The rest (113) comprise the first cases of wife batterings reported on police records subsequent to November 17, 1982 (Group 2 November 18, 1982 - March 23, 1983). These groups were analysed and compared in terms of the types of charges laid, convictions and sentencing, in an effort to determine whether there were significant differences before and after policy implementation.

2. To determine victims' perceptions of and satisfaction with 'new' police procedures, an attempt was made to contact the victims in each of the 164 cases mentioned above. Respondents were interviewed when the police investigation of their case was concluded (where no charges were laid), or upon final court adjudication (where charges were laid). Respondents were offered their choice of a personal or telephone interview (See Appendix C - Victim Questionnaire).

The response rate was 39% (N=63). Respondents from Group I were

interviewed between 3 and 7 months after the incident, while respondents from Group II were contacted within 3 months of occurrence. The response rate did not vary significantly between groups. With the exception of one party who refused to be interviewed, all other parties unable to be contacted had moved or changed telephone numbers, and interviewers were unable to trace them. For example, in many cases assaulted parties were staying with friends or relatives.

Data was analysed to determine victim satisfaction with and reactions to the charging procedure.

3. Selected administrative personnel were interviewed to document the rationale for setting this policy, and police officers were interviewed to determine their attitudes toward and satisfaction with the new procedure.

In total, 50 officers who responded to and submitted reports on domestic complaints between August 8, 1982 and March 23, 1983 were sampled and a telephone questionnaire was administered (See Appendix D - Police Officer Questionnaire). The number of officers selected from each of the 5 Calgary Police Service districts was determined by the proportion of domestic assault reports submitted by that district's zone personnel. This tapped a wide range of police experience within each area of the city and also stressed those areas in which domestic assaults were most prevalent. Numbers of officers contacted, by district, were are follows:

District	Officers Contacted
#1	8
#2	10
#3	10
#4	15
#6	7
	N=50

The questionnaire dealt with the extent of adoption of the procedure (to complement available charging rate data), satisfaction with the policy, and attitudes toward police intervention in domestic assault complaints.

4. Other criminal justice personnel were interviewed to determine whether the new procedures had any impact on the traditional roles and procedures used to prosecute such assault cases and to establish the reasons for case withdrawals. Included were four prosecutors and two judges from both Family and Provincial (Criminal) Courts. Data was collected using unstructured, personal interviews. An attempt was made to determine their main areas of concern regarding domestic assault cases, as well as any that may have surfaced since the implementation of the policy. While the study does not focus on this area, it was felt that some attention must be given to the framework under which prosecutors and judges deal with these cases and the problems they see in them. The data gathered could be then used to flesh out areas of concern to victims and police officers alike.

Advantages of the Study

A. The combination of research techniques (i.e., survey questionnaires, secondary analysis of official police statistics and personal, unstructured interviews) enabled a quantitative and qualitative analysis of policy impact upon the several areas of interest. Also, questionnaire items provided statistical measures of satisfaction with the policy, as well as attitudes toward intervention in domestic crises for both victim and police officer groups, and can be compared against each other.

B. The proportional sample of police officers tapped a wide range of police experience within every area of the city; but also stressed those areas in which domestic assaults were most prevalent.

C. The qualitative data collected from prosecutors and judges, presented discursively, are helpful in shedding light on areas of concern to both victims and police officers.

Limitations of the Study

A. This study includes information only on cases of domestic assaults which are reported to the police and where police officers file reports. It does not provide any information on unreported assaults, or complaints where police have not submitted reports.

B. During the course of the study, the policy initiative of the police department received some media coverage. It is unknown how exposure to this outside influence has altered respondents' attitudes and perceptions.

C. During the same time frame as this study, there were 10 homicides or attempted homicides between intimate or formerly intimate parties of the opposite sex in Calgary (5 - attempted, 5 - committed). In all of these cases, charges have been laid. These cases are not included in this study's sample, focusing as it does on the impact of the change in police charging procedures.

D. A research design which measured officer's attitudes toward domestic crisis intervention both "before" and "after" policy implementation was not possible due to the date of initiation of the study which was subsequent to November 17, 1982.

E. Questions measuring attitudes and activities "before and after" the introduction of the policy are limited by respondents recall of the incident and

the extent that answers represented true recall.

F. Statistics on the number of 'wife-battering' calls dispatched from August 1982 to March 1983 were not available. Domestic assault complaints (10-11's and 10-05's) include other type of incidents. It was therefore not possible to obtain changes in rates of charging in the specific cases of wife assaults. Although 'domestic assault' complaint data were used to provide a base from which to measure increased propensity to charge in domestic situations, this was done on the assumption that wife-battering incidents represented an unchanging proportion of all domestic assault calls dispatched during the time frame of this study.

G. Unknown events or attitudinal changes on the part of police officers may have altered their handling of domestic assault incidents over the time frame of this study. This may in turn affect both their responses and victims' satisfaction with the handling of their cases.

CHAPTER 2

Since the issuance of the policy directing officers to lay assault charges involving two intimate parties, the number of charges laid and convictions secured have risen dramatically. It is first important, however, to examine the available data to determine whether an increase in the number of complaints or some other factor accounts for these changes.

POLICY IMPLEMENTATION AND CHARGING FREQUENCY

The Calgary Police Service (CPS), through its own analysis, has determined that approximately 3.5% of its monthly calls are 'domestic'. Domestics (coded 10-11's at the time of complaint) encompass a wide variety of complaints, for example, lost or runaway children, parent-child disputes and drunkenness. If Communications personnel believe that an assault has occurred, the complaint is further coded 'domestic assault' (10-11, 10-05). Domestic assault complaints may include alleged assaults between <u>any</u> parties residing in the same residence. It is not known what percentage of these relate to wife battering solely, as police coding of complaints does not always include such information, or indeed, the incident may not have been reported as such. However, communication

officers are trained to code these calls as both domestic and assaults if so determined.

To determine whether there was an increase in domestic complaints, all Communication's logs between August 1982 and March 1983 were reviewed. This revealed that the numbers of 'domestics' did not differ significantly from normal trends before and after November 17th. Figure 1 (Appendix B) graphically illustrates this. In fact, a comparison of monthly averages for periods before and after November shows a decline in domestic calls from 574 to 540 per month. Nor have the Communication's log shown a significant increase in complaints coded 'domestic assault'. Monthly averages for 3-month periods before November and the 4-month period after November are 147 and 151 respectively.

It is unknown whether within the 'domestic assault' complaint category there has been an increase in the reporting of wife-battering complaints which could impact on charging rates. However, when officers were asked whether they had experienced an increase or decrease in the "number of calls for police assistance involving a fight between a husband and wife," the overall response was that the numbers of domestic assault complaints were consistent with normal trends. This was corroborated by information from Communications officers who did not report significant variation.

Table 1 presents the numbers of domestic complaints received, domestic complaints that were also coded as assaults, the numbers of (domestic) assault charges laid, and monthly (domestic) assault charging rates. It is apparent

from this table (Column 3) that the monthly average of charges laid increased significantly (December 1982 to March 1983 = 21, versus May 1982 to October 1982 = 3.3). Absolute numbers of domestics and domestic assault complaints have not exhibited the same increase over this period. It appears then that officers are implementing the new charging procedure and this is reflected in an increase in the monthly average of charges. This data also indicates an increase in charging rates from a rate of .02 in the 3 months prior to November 1982 to .14 in the following 4 months (Column 4). Put another way, for every one (domestic) assault charge laid previous to the procedural change, seven (7) were laid after the policy.

In order to determine the extent of implementation, in the officer questionnaire, respondents were presented with various domestic scenarios and asked what procedures they would use both before and after the change. Respondents were also given a list of reasons which might influence their decision to charge and asked whether such reasons would make it more or less likely that they would charge in a given case. Based on responses to these questions, it is clear that officers' discretion appears to have remained an important consideration in whether or not charges are laid in certain situations. Important factors appear to be the seriousness of the injury and whether the complaint was the first encounter with the police. A more complete discussion of officer perceptions and attitudes is included in Chapter 4 of this report.

Table 2 outlines the numbers and rates of conviction over this same time

period. It indicates that the monthly numbers of convictions has risen significantly (Column 2). In total, 5 convictions were secured in the 3-month period prior to November 1982, while there were 24 in the subsequent 4-month period. Conviction rates however have not shown a similar increase. They are .50 and .34 respectively for those periods. This may be due in part to the increase in numbers of withdrawals which is discussed below.

TYPES OF CHARGES LAID

To examine in more detail how the new procedure has affected the types of charges laid and convictions, analysis is restricted to the 164 cases of domestic assaults which were sampled to study policy impact on victims.[4] In 51 of these cases, complaints were received by the police department prior to policy implementation (Group 1), while the remaining 113 cases occurred after November 18 (Group 2). The time span encompassed in the sample runs from August 8, 1982 to March 23, 1983 or 7-1/2 months. Given this sample number and time frame, some trends can be expected to surface.

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[4] This sample to a great extent is composed of the the same cases which are included in the Calgary Police Service charging records as sampling periods were roughly the same. Cases where there was inadequate tracing information (e.g., lack of telephone number, etc)were not included in this sample.

First, it should be noted that charges were not laid in each of the 164cases. In all, charges were laid in 100 cases (Group 1 = 14, Group 2 = 86). The following analysis concerns only those 100 cases where charges were laid.

Upon sampling, each case was tracked through court dockets to its final adjudication. Table 3 illustrates in detail the charging trends over this period.

When analysed in terms of the types of charges, significant differences between groups emerge. Prior to the policy (Group 1), assault OBH comprised 71% of charges (10 of 14), whereas after November 17, assault OBH comprises only 31% (27 of 86), with a corresponding rise in common assaults. For every one charge of common assault laid before November 17th, 17 are currently being laid.[5] Interpreting this data, there is a dramatic increase in the percentage of common assault charges laid, and this provides further evidence of police offieer implementation of the procedural change. Previously, officers were more likely to lay charges in serious cases (assault OBH), while in incidents interpreted by officers to be less serious (common assault), victims were instructed to lay their own Informations. Additionally, while there is a decrease in OBH vis-a-vis common assaults, the charging ratio for OBH charges has also increased under the new policy. For every 1 charge of assault OBH laid before the police, 3 are now laid. This indicates that officers are also charging on a more regular

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[5] Of the 14 charges laid in the earlier group, 6 of these were private Informations (3 - Common, 3 - OBH). Over this time period, then, police initiated charges of domestic assault in 8 cases.

basis for more serious assault complaints.

COURT ADJUDICATIONS

The court adjudications of these cases also reveal some variation. First, as expected, the absolute numbers of convictions has increased greatly when examined on a monthly basis. However, the percentage of cases in which a guilty conviction was secured has dropped from 57% to 47%. (see Table 4). In cases that occurred prior to the charging policy none were found 'not guilty' by the court, while 4% of the post-policy cases were found 'not guilty'. Also, the percentage of withdrawals increased from 29% to 41%, representing a 12% increase.

With respect to withdrawals, 46% of respondents said that the assailant had applied pressure to have the charge dropped. Also, 33% of all respondents where charges were laid reported that they asked the prosecutor to drop the charges. If one adds to that percentage, other cases where victims reported that they approached police officers or judges with a request for or an inquiry about withdrawal, the total is 50%. Prosecutors report that they are more likely to consider victims' wishes in common assault than assault OBH cases. However, a similar percentage of withdrawals were found in common and assault OBH cases.

In an attempt to establish the reason for withdrawal, information was solicited from the crown prosecutor and/or witnesses. (Victim and prosecutor information was checked against each other when possible.) Reasons were identified in 17 of the 29 cases. They were:

- 12 - Victim/witness request that charges be withdrawn.
- 2 - Subpeona was unable to be served on victim/witness.
- 1 - Lack of evidence -"victim changed stories" was noted on file.
- 1 - Crown witness did not appear when subpeonaed.
- 1 - Crown prosecutor did not appear in court.

SENTENCING

The sentences that were handed down when a guilty verdict was entered are illustrated in Table 5. Although pre-policy cases are not numerous (n=8), prohibiting rigorous analysis and comparison, some comments can be made. Overall, fines (ranging from $20 to $500) were the most common form of sentence in both the pre- and post-policy groups. Further, fines were ordered in 61% of post-policy cases versus 50% of pre-policy cases. The percentage of Suspended Sentences remained relatively constant at 25% and 22%. Two (2) gaol terms were ordered for pre-policy cases as opposed to one (1) in the post-policy group

which was over 4 times as numerous (n=36). It should be noted that 10 cases in the post-policy group are currently before the courts, and in six of these, warrants are outstanding for the accused. Overall, these cases do not represent any significant differences in the seriousness of charges, than cases that have completed their adjudication. The post-policy cases also showed a greater percentage of Discharges (14% versus 0%) which are considered more lenient than either gaol or fines.

These statistics may not be surprising in light of the fact that there were a greater number of Common versus OBH cases heard in the latter group. Theoretically, at least, this should result in overall less severe sentences for that group. However, when broken out according to the type of assault charge (Common or OBH) it was found that fines were the preferred type of sentence for both assault OBH and common assault. What differentiated the sentences in these 2 types of charges were the greater number of Discharges and Suspended Sentences for common assault cases.

A breakdown of the fines issued show that some heavy fines have been levied recently by the courts (see Table 6 - AFTER POLICY). In 11 cases (of 22) fines were set at $200 or more (7 of these ranged from $300 - $500), while in 2 cases the amounts were $20 and $25 respectively. These figures are not compared against Group 1 as the numbers of fines ordered were minimal in that group. Also, when fines were broken out according to whether the case was heard in Family Court or Criminal Court no significant variation was noted.

Summary

On the whole, it appears that the changed procedures for dealing with domestic assaults have been adopted by police officers. Police department statistics reveal that, while domestic and domestic/assault complaints have not fluctuated significantly, monthly numbers of charges have increased and rate of charging has increased dramatically from an overall rate of 2 charges per 100 complaints, to 14 per 100. This represents a 700% increase in charging activities. These same police statistics reveal that while absolute numbers of convictions have increased per month, conviction rates have decreased from .50 to .34. Analysis of the 164 cases which were sampled to determine victim concerns and satisfaction before and after the procedure change allowed further exploration of the results of these charges. This sample to a great extent is made up of those cases which are included in the 7-month analysis of police charging records.

Types of charges laid have shifted from a pre-policy predominance of assault OBH to a post-policy predominance of common assault. Whereas before the procedure change, assault OBH charges were laid in 71% of cases, they are now laid in only 31% of all cases. There has been a corresponding increase in common assault charging since the procedure adoption.

In examining court adjudications for these cases, it was found that no charged parties were found 'not guilty'in the pre-policy group, while 4% (n=3)

were so found in the post-policy group. Also, since the changed procedure, 47% of charged parties were found 'guilty' as opposed to 57% of the pre-policy group. This represents a 10% decrease. Since the procedure change, there has been an increased percentage of cases resulting in Withdrawal (29% vs. 41%). This has been attributed to victims' requests, and the fact that prosecutors may be more likely to entertain requests for withdrawal in common versus OBH cases. However, rates of withdrawal were found to be consistent within both types of charges. Fines were the preferred type of sentencing for both common and OBH cases and in both the pre- and post-groups, followed by Suspended Sentences. Fines ranged from $20 to $500. They were ordered in 50% and 61% of pre- and post-policy groups respectively. Absolute or conditional discharges were ordered in 14% of the post-policy cases, while no discharges were found among pre-policy cases.

CHAPTER 3

A PROFILE OF DOMESTIC ASSAULT VICTIMS

Before analysing victims' perceptions of the charging policy, a profile of domestic assault victims, along with a description of their typical experiences will be constructed. The following profile is drawn from data collected on the 63 women who were contacted and interviewed. It is, therefore, composed of victims from both the pre- and post-policy groups. The information gathered was supplemented by material from police files and court dockets, where appropriate.

The modal age category of victims in this study was between 20 and 24, with the range of ages varying from 16 to 54. They were most commonly married to the assaulting party (48%) although 33% (n=53) were living in a common-law relationship. A further 19% were separated or divorced from their partners at the time of the incident. Four of every 5 respondents had children living with them, their average age being 8 years.

Typically, victims were either homemakers, clerical or secretarial workers who had either some or complete high school training. They most often lived in duplex or townhouse residences and had been there for an average of 3 years. The mean annual incomes (1982) for their households was between $15,000 and $20,000

with victims estimating their income contributions at between 30% and 40% of this amount.

Most victims (87%) reported some injury as a result of the incident. The majority were bruises, black eyes or scratches, although some reported cuts and a few internal injuries. A weapon, or threat of use of a weapon, was reported in 10% of cases, the most common being the threat to use a kitchen knife. One third reported they went to hospital emergency services as a result of the incident, however, only 4% were admitted to hospital; the rest were treated as outpatients and released.

Of the 28 women (44%) who required accommodation after the incident, 18 were able to find shelter with friends or relatives and 10 were admitted to a women's shelter.

The history of battering reported by respondents substantiates what has already been reported elsewhere in that for many this was not an isolated occurrence, but one of many similar incidents. Specific information on the history of battering was obtained from 55 respondents. Of these, 82% reported that the same or similar types of incidents had happened before. The modal category being "once a month." When this was combined with the reported length of time during which assaults had been occurring, the estimated mean number of assaults was calculated at 22.5.

Analysis of the distribution of frequencies sheds some light on this

statistic. Eighteen percent (18%) of those reporting a previous incident said it had happened only once before, and cumulatively, 38% reported three or fewer previous incidents. However, 13% (n=7) set their estimated number of previous incidents at "over 100 times." While the "over 100 times" appears at first glance a very high rate of occurrence, the fact that 19 respondents (32%) had been married from 10 to 23 years lends credence to this figure. The numbers of previous assaults most frequently cited by respondents were 1 (n=10), 10 (n=7), over 100 (n=7), 3 (n=6) and 2 (n=5).

(It appears that there is a great deal of variation in the frequency of such incidents, and that a mean score alone may not be helpful in understanding the battering pattern. Naturally, the ages of parties and duration of the relationship must be entered into the equation to reliably establish a meaningful battering occurrence statistic.)

The majority of respondents (64%) stated that they had called police previously to report similar incidents. The average number of times victims reported calling the police in the past was 3.4. Similar to the current incident, 85% reported injury in these past incidents. In only 12% of these cases were charges laid.

It is interesting to note that in 39% of cases, the parties have since separated or divorced, while in 42%, the parties were "still living together" after the incident. That is, after the assault, almost 4 of 10 women changed their living arrangements with the assailant. The high percentage of cases

where parties separated after this incident coupled with the high number of previous assaults may be interpreted to mean that women tend to go back to live with the assailant after a certain period of separation. The long-term living arrangements of the women in this study were not analysed due to its short time frame.

In all the cases surveyed in this study, the most likely charge to be laid was common assault. In approximately half the cases a guilty verdict was reached, but a significant number of withdrawals and dismissals (49%) were also recorded. When a conviction was obtained, the most common form of sentence was a fine (61%), followed by a suspended sentence (22%). Frequently, a convicted party was placed on probation for varying periods of time (41% of convicted parties). In 16% (n=12) of cases, the charge was heard in Family Court.

The women typically played only a peripheral role in the prosecution of their cases. Where charges were laid, 61% of victims were never subpoenaed to give testimony. This is due to that fact that in almost the same percentage of cases a guilty plea was entered before the case went to preliminary hearing or trial. These cases were usually adjudicated in one or two court appearances. Although 39% of victims were subpoenaed, only 14% of all those subpoenaed gave testimony in court. Translated into actual numbers, only 5 women out of a total 38 who were involved in a court case gave testimony in their cases. The time lapse between the date of the incident and its final adjudication in court averaged 74 days.

VICTIM SATISFACTION AND ATTITUDES ABOUT CHARGING

Cases occurring before and after policy implementation (Group 1 and Group 2) can be compared on several variables. At other times it is appropriate to break down the data according to whether charges have been laid or not. To some extent those groups will be composed of the same respondents as those falling into Groups 1 and 2 respectively.[6]

When domestic assault complainants were asked whether they were "satisfied with the way (the) incident was handled by the police," data illustrates significantly more satisfaction on the victims' part since the new charging procedures were implemented (see Table 7). Eighty-seven percent (87%) of Group 2 respondents were satisfied or very satisfied with police handling as opposed to 57% in Group 1 ($x^2=7.5, \alpha=0.02$).[7] This same pattern also emerges when the data is analysed according to whether or not charges were laid (see Table 8). In this case, 92% expressed satisfaction with police handling as opposed to 56% in cases where charges were not laid ($x^2=10.0, \alpha=.007$).

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[6] Group 1 is primarily composed of cases where charges were not laid, while Group 2 has a considerable majority of charged cases.

[7] A Chi-square test of independence (x^2) was computed at 7.5 and was significant at the 0.02 level. Chi-square does not measure the strength of the relationship but whether there is a relationship which is not likely to be due to chance, and also the percentage of the population within which we may be confident of such a relationship.

On the basis of these responses, it is apparent that the procedure of laying charges in domestic assault cases is concomitant with more positive attitudes toward the police and their handling of domestic assault cases. Respondents were also asked, in an open-ended question, why they felt the way they did. The most frequent comments were that:

Reasons for satisfaction

- Officers' attitudes and concern were helpful.
- Officers explained what would happen when and if charges were laid.
- Personal fear made charges necessary.

Reasons for dissatisfaction

- The incident was not treated seriously enough by officers.
- Officers appeared to believe the suspect more than the victim.
- Fear on the woman's part made it necessary for police to lay charges (stated in cases where no charges were laid).

The point has been raised many times whether assault victims want police officers to charge their partners. On the face of it, it would appear that calling the police department is indicative of a desire to have something done, although many believe that victims merely want police to bring an end to the incident, possibly just separating the parties but nothing more. To determine whether victims want officers to respond by laying charges they were asked

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8 It is unknown whether the initial suggestion came from police officers or victims as recall on this point was not considered reliable.

whether they had actually made a verbal request of the officers that charges be laid. Fifty seven percent (57%) of all respondents stated that they had.[8]

Further, respondents were read the following statements:

1. In cases of domestic assault, it should be the responsibility of the police to decide whether charges should be laid. (That is, every time they have evidence to suggest that an assault has occurred, they should lay charges.)

   (or)

2. In cases of domestic assault, it should be the responsibility of the victim to decide whether charges should be laid. (That is, if that party does not want charges laid, they should not be laid, even if the police feel that there is evidence to suggest that an assault has occurred.)

Respondents were then asked to indicate which one of these statements best expressed their own feelings. Sixty percent (60%) of all respondents chose the first statement and 24% felt the decision to lay charges was appropriately the victim's decision (See Table 9). Sixteen percent (16%) could not agree to either of these statements, the majority of these volunteering that the severity of the case should determine whether the victim or the police officer should bear the responsibility.

When the data was examined along pre- and post-policy lines, and whether or not charges were laid, it was found that more victims who had been exposed to the experience of having charges laid viewed the police officer as responsible for this decision. Possibly victims who had not experienced this were wary of its

implications. However, these data did not indicate a significant relationship at the .05 level (see Table 9).

IMPACT OF POLICE CHARGES

One of the rationales often cited in support of limited or non-intervention of police officers is that such action may inflame an already volatile situation, possibly placing the woman in jeopardy after the police leave or while the case is being processed through court. Information concerning the effect of charges on future assaults was addressed in 3 different questions.

First, respondents were asked their estimation of whether laying assault charges will increase or decrease the number of times (the victim) and (the other party) will experience this type of incident in the future (see Table 10). Eighty percent (80%) of those who had charges laid stated they felt this type of incident would decrease, while 7% felt it would increase ($x^2=13.5, \alpha=.002$). This is in sharp contrast to those who had no charges laid, where 35% stated they anticipated a decrease in future incidents and 48% thought that incidents would increase. Interpreting this, it would appear that the experience of having a charge laid and possibly seeing a case through the courts has made a considerable positive impact on victims in that they project decreased future incidents. Those who have not had this experience, however, lack this same

positive attitude.

Responses to requests for comments on the possibility of increase or decrease of assaults are helpful in explaining these findings. The most common comments were that the other party "knows I am serious about this" (21%), that the police will back me up" (29%), and that the charges have "scared" the other party (21%). These comments totalled 71% of cases. It should be noted, however, that in response to another question, many parties (29%) reported continued harrassment, but of a non-physical nature.

These comments are helpful in understanding the apparent contradiction that while there is considerable support for police-laid charges, many women at a later date request they be withdrawn. The comments indicate that women want the aggressive response to the incident that is exemplified by the laying of charges, and that possibly the impact on the assailant of such charges is the most important benefit to them. In effect they may see it as a serviceable deterrent. However, women are subject to pressures from their partners (see below), and these factors may account for the considerable numbers of later withdrawal requests.

Second, respondents were asked whether they felt the following statement to be true or false:

> Having to be a witness in your own assault case makes it more likely that you will be assaulted in the future by the same person.

This statement explores respondents' expectations of future assaults based not only on the experience of laying charges, but also in conjunction with the experience of having to testify against an intimate partner in court.

Comparing groups where charges were and were not laid (see Table 11), 33% versus 75% respectively felt that testifying in court would increase the likelihood of future assaults ($x^2=7.8, \alpha=.005$). Again, it appears that there is a considerable amount of apprehension on the part of those who have not had charges laid regarding the impact of charging on future incidents. On the other hand, those who have had the experience of a court case in which their partner was the accused party, do not share the expectation of increased assaults.

Third, to tentatively measure whether in fact such expectations are warranted, respondents who had charges laid in their case were asked whether they experienced an increase or decrease in the rate of assault from the time of the incident until the case reached final adjudication in court (time of interview). Cases took an average of 74 days to adjudicate. Because in many cases, parties had separated or restraining orders were in effect, the question was appropriate in 20 of the cases where victims were able to be contacted. None answered that they experienced an increase, and 19 (95%) considered incidents to have decreased. It is, of course, possible that charged parties were 'on their best behavior' while their case was being heard in court. However, this information flies in the face of the argument that the laying of charges further aggravates the situation and leads to increased risk of assault for the woman. A longitudinal analysis would be necessary to determine the extent of recidivism

in these cases over a longer period.

The volunteered comments from all victims when asked how they felt domestic assaults should be handled are important as they indicate issues of high priority to individual respondents. Apart from victims' concurrence with the charging policy and satisfaction with the new procedure, the most frequent comment made was that parties should be separated and that the assaulting party, not the victim, should be made to leave. This is not usually the case. (Under new criminal code changes, the police can arrest and remove an assailant in all assault cases. However, the more common option used by officers is to issue an appearance notice to the charged party. This does not require removal of the assailant although the issuance of an Appearance Notice constitutes an arrest. Even if the assaulting party is arrested and brought to police headquarters, he is usually released by the justice of the peace shortly thereafter.)

Respondents from all groups also volunteered that the attitude and support of the police officer was important in that it carried with it a 'message' to the assaulting party. If the officer treated the incident as trivial or somehow lacking in legitimacy, respondents felt that the assaulting party was encouraged to repeat the act. Another suggestion volunteered by 9% of respondents was that a group of specially-trained officers or civilians should handle such cases, or alternatively, follow up on all of these cases to assist complainants in seeking help.

THE VICTIM AND THE COURTS

While the information gathered in the victim questionnaire section relates mainly to their perception of and satisfaction with new charging procedures, some data on victims' experiences with the branches of the criminal justice network that are involved in the prosecution of cases was also gathered. No changes to methods of dealing with domestic assault cases have been made by these groups, other than the modification that there are now many more domestic assault cases being processed.

The most outstanding feature of victims' interaction with these agencies was its absence. As mentioned earlier, in only a small percentage of cases where charges were laid was the respondent involved as a witness. Of 36 victims contacted where charges were laid, only 9 (25%) were subpoenaed and of these, 5 (14%) were called in court to give testimony. Only 50% (n=18) recalled any discussion with the crown prosecutor either previous to or at the time of the court case. It should be noted that those who did, reported the prosecutor to be very supportive. In all, 70% (n=25) of the sample reported that they were "(very) satisfied" with the way the case was handled through its prosecution.

Where charges were laid, 46% of victims said that the assailant had applied pressure to have them dropped, and 50% of the victims surveyed said they themselves had spoken to the crown prosecutor or others in that attempt. These facts did not appear to have greatly influenced victims' satisfaction with the

handling of their cases by the court system as indicated by the 70% satisfaction rate. When asked reasons for their satisfaction or dissatisfaction, only 10% mentioned the withdrawal of the case as a source of dissatisfaction. This is not surprising in light of the number of cases where women made some inquiries or efforts toward having their cases withdrawn. A further 10% stated their dissatisfaction stemmed from their view that the victim should be the party responsible for deciding whether the charges should be dropped, and that this was not made easy for them. It is interesting to note that victims generally thought that the verdict in their cases were "just" (65%). (Note that the distinction was made between case verdict and case sentence in two separate questions).

The majority of victim concerns about the way their cases were handled centered around 1) the leniency of court sentences (as opposed to the verdict), 2) information they had about their court case, 3) their role in the court proceedings, and 4) the speed with which their case was adjudicated.

On the first point, 44% voiced concern over the leniency the court showed the accused in the matter of sentences. (Sentences were reported in Chapter 2). Several mentioned that simply fining the assailant "did not do any good," and, in fact, Victim/Crisis Unit workers were aware of 2 cases where the victim paid the fine for her partner. Thirty-eight percent (38%) also suggested that the accused should either be made or encouraged to get help for their problem.

Second, some victims reported that they knew very little about what was

happening with their cases in court. On this point Victim/Crisis staff concurred that in many of the cases with which they dealt a considerable amount of time was spent digging up information on court dates, adjudications, etc., for victims. They stated that clients often had little knowledge of the progress of their case in court and often had to rely on the accused party for information.

Related to the third point were some victims' complaints that "their side was not heard," or that they were "left out" of a process which intimately affected them. On the other hand, several mentioned that they did not wish to be involved or wanted as little involvement as possible. It should be noted that it was also the feeling of Victim/Crisis Unit staff that some victims prefer to distance themselves from involvement in the prosecution of their cases. In some of these cases, victims simply wanted "correct" court information, which was provided by that staff.

Fourthly, cases took an average of 74 days to adjudicate, which some victims reported resulted in additional strain for them, as the matter was unresolved for a long period of time.

As mentioned above, 10% stated their dissatisfaction stemmed from the withdrawal of the case, and a further 10% from the fact that the police were responsible for making the decision whether or not to lay charges.

Overall, it appears that there is some contradiction between victims' views

about the way the domestic assaults should be handled by the criminal justice system, and their own actions. On the one hand, they generally support the police policy to lay charges, feel it is an appropriate role for the police and report more satisfaction with the handling of their cases when charges are laid. On the other hand, a considerable percentage attempted to have charges withdrawn (see Court Adjudication section).

The comments offered by victims who had charges laid concerning the importance of the immediate impact of laying charges on their partners may go some way toward explaining this. Seventy-one percent (71%) stated that charges scared the assailant, or showed him that the victim and the police were serious about this matter. Women thus seem to feel a strong law enforcement response is required in order to protect them and to emphasize to the assailant the wrongness of his actions. However, based on the 46% of cases where women were later subjected to some kind of pressure to get the charges dropped, it appears a new set of influences operate later on that result in such attempts.

Victim workers state that the difficulties of living with the charged party during this time, pressure from friends, relatives or the assailant, financial dependency, the lack of alternative living arrangements, the desire to start fresh, and the belief that pursuing the cases in court will be of no further benefit to her all act to prompt victims to seek withdrawals. As mentioned above it is also possible that the deterrent value of laying a charge alone satisfies victims. Further study would be required to determine the specific pressures under which these women are subjected.

Alternatively, this type of behaviour has been explained by some as issuing from the cyclical nature of spouse abuse which is composed of the tension-building, explosion, and calm/respite stages (Walker, 1979:8). If one accepts this theoretical framework, motivation to pursue legal action may not be strong in the third 'calm respite' stage.

Summary

A profile of the domestic assault victims surveyed in this study was constructed. The modal category of victims was between 20 and 24 years. Victim tended to be married and had children living with them. Most women reported some injury as a result of the incident. One third attended the hospital as a result of the incident, and 44% of the women surveyed required alternate accomodation after the assault. The mean number of assaults occurring previously was estimated at 22.5.

The police had been called by the victim to similar occurrences in 64% of cases. In 12% of these previous incidents, charges were laid. Common assault was the most likely charge to be laid. Cases were most likely to result in a conviction (47%) or a withdrawal (41%), and if convicted a fine was the most commonly used form of sentence.

Respondents indicated a significantly higher level of satisfaction with police handling of incidents since the adoption of new charging procedures. The most common reasons for satisfaction were 1) the helpfulness of officers' attitudes and concern, 2) officers explanations of what would happen after a charge was laid and 3) that personal fear made charges necessary. The most common reasons for dissatisfaction were that 1) officers did not treat the incident seriously enough and 2) officers placed more belief in the assailant's story.

The majority of victims felt intervention in domestic situations to be an appropriate police role. Women who had charges laid as a result of their incidents projected positive benefits for themselves and were more likely to estimate a decrease in such incidents. The most frequent comments made were that the laying of charges was often jarring evidence to the assailant that the incident was serious and would not be tolerated. Two-thirds of victims did not feel that being a crown witness in their own assault cases would increase the likelihood of further assaults.

After charges were laid, many women subsequently requested that they be withdrawn. Respondents comments indicated that the impact of laying charges was seen by them as a serviceable deterrent in itself. Many respondents also reported that they were subjected to pressure to ask that charges be withdrawn.

While 57% stated that they verbally requested the officer to lay a charge, many women subsequently requested that they be withdrawn. Respondents' comments

indicated that the impact of laying charges was seen by some as a serviceable deterrent in itself, or that the charge itself carried a significant benefit for themselves. Many respondents also reported that they were subjected to pressure to ask that charges be withdrawn.

Victims' experiences with personnel involved in the prosecution of cases were notable in their absence. Many cases were concluded before the victim was called by subpoena. Seventy percent (70%) reported satisfaction with the way their cases were handled through their prosecutions. Victims concerns centered around 1) the leniency of court sentences, 2) the lack of information they had about their court cases, 3) their limited role in the court proceedings and 4) the lack of speed in adjudicating cases.

CHAPTER 4

Police officers (n=50) who had responded to and submitted reports on domestic assaults during the sample period were interviewed (by telephone) to explore the impact of the policy on their charging activities, their satisfaction with the policy, their perceptions of policy impact on wife abuse in Calgary, and their attitudes toward domestic intervention in domestic crisis calls. Some sections within the questionnaire were adapted and modified from several previous studies by Dutton and Levens (1977) and Loving (1980). Questions concerning police officer satisfaction and policy impact on wife abuse were structured independently.

POLICE OFFICER CHARGING ACTIVITIES

Item 1 on the survey questionnaire asked officers to report the number of domestic complaints, involving an alleged assault on a woman by her male partner, they had attended on average each month since November 17. In Item 2, they were asked to estimate what percentage of these had resulted in their laying of assault charges against the assailant. Analysis of the frequency distributions indicated that Calgary Police Service officers reported to have

attended a median of 5 domestic assault complaints per month and to have laid charges in an average of 11% to 20% of these incidents.

While the analysis of police files revealed a dramatic increase in officers' charging activities, these data show that officers do not charge at all complaints of domestic assault. At each complaint, the investigating officer must decide, on the basis of the evidence before him, whether there are "reasonable and probable grounds to believe an offence has occurred" and that a charge is warranted. Officers thus have some discretion as to whether or not a charge is laid at the scene of a complaint.

Item 4 of the questionnaire attempted to measure the extent to which the policy had affected officers' discretion to charge or not charge in several domestic situations. In this question, respondents were asked to report the police procedure they had used both before and after the policy change at domestic calls involving (a) serious injury to the victim (e.g., broken arm or leg); (b) slight injury (e.g., bruises and small cuts); and (c) slight injury, but it was the couple's first encounter with the police.[9]

Respondents could give up to three answers to each question. In other words,

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[9] Each officer was first asked to report the procedure used in all three situations before the introduction of the new policy. After recording all three answers, he was then asked "What procedure did you use after the policy was introduced?" This was to ensure that responses given on post-policy procedures would not be influenced by procedures the officer had used prior to the policy change.

an officer may have responded that at a serious assault injury he (1) summoned or obtained medical aid for the victim; (2) arrested the assailant; and (3) submitted a report on the incident. Given the format of this question, a "multiple response" analysis was performed on the data (i.e., the three responses were combined to give an overall frequency distribution of how often a particular procedure was used in each domestic situation). The most "important" or most frequent responses were then used to evaluate changes in the types of procedures employed by officers. However, although the "multiple response" method permits an analysis to be made of the most "important" responses, it must be recognized that officers could also give other answers to these questions.

Table 12 gives frequencies for the most important variables of the multiple response analysis both before and after the policy change. The most frequently used procedure in both the pre- and post-policy periods in cases of serious injury was to arrest the assailant and cause an assault O.B.H. charge to be laid. Seventy-four percent (f=37) of the officers stated they had arrested and charged at a serious injury domestic prior to the policy change and 90% (f=45) said they had used this procedure after it had been introduced, representing an increase of 16%.[18] The increased use of arrest in cases of serious assault may be attributable to the policy. Under the previous policy, it is possible that

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[18] Each frequency represents the percentage of the total number of valid cases. The symbol "f" is used to indicate the number of officers who gave a particular answer to each of the 3 questions of Item 4. This symbol is used to differentiate between questions where more than one answer could be given and questions where only a singular response was required. For the latter questions, the symbol "n" is used to represent the number of valid cases.

several victims of serious assaults had been advised to lay their own Informations, perhaps when they were adamant that charges not be laid or through an unawarenes of the circumstances leading to the assault or the history of the abuse.

The most significant procedural change was in cases where the victim had been injured slightly (i.e., those incidents where a common assault offence had been committed). Whereas 78% (f=39) of the officers surveyed said they had advised the victim of her choices of action before the policy, only 28% (f=14) indicated they had done so after the policy's introduction. This represented a 50% decrease in the use of this procedure.[11] Further, the number of officers who reported charging the assailant with common assault increased from 24% (f=12) to 65% (f=32); representing an increase of 41%. It is apparent that the new policy has particularly affected officers' discretion to charge in cases of less serious injuries. This is reflected by the 41% increase in officers' reported charging activities after the introduction of the policy.

In cases where it was the first time the police had ever been called to the household, officers also reported a decrease in the number of times they had advised the victim, and an increase in the number of charges laid. Sixty-eight percent (f=34) stated they had advised in this situation before the policy as

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[11] Choices of action included the laying of a private Information before November 17. Both before and after this date, officers could also advise the victim of her right to obtain a Restraining Order, Separation Order, or Peace Bond as well as where to obtain counselling and shelter within the community.

opposed to 50% (f=23) after the policy; a decrease of 18%. Conversely, the number of officers who indicated charging rose from 4% (f=2) to 28% (f=14); an increase of 22%. While the policy has unquestionably changed how officers most frequently handle this type of complaint, it is evident that officers are significantly less apt to charge in first contact situations than in cases of serious assault or where they have previously been called to the household. This is indicated by the fact that only one-third of the officers reported they had laid charges after November 17; suggesting a preference by officers to use alternative methods when it is the couple's first encounter with police (i.e., arbitration, referral, and separation).

The results from Item 4 show a significant change in the types of procedures used by officers at domestic assaults. This provides further evidence of police officer implementation of policy requirements, particularly as they relate to cases of less serious injury and charges of common assault. It is interesting to note, however, that officers' discretion appears to have remained an important consideration in whether or not charges are laid in cases where it is the first time they have been called to the household.

In order to determine what factors most influenced an officer's decision to charge or not charge, Item 11 of the questionnaire asked respondents to indicate whether a particular reason, from a list of reasons given, had made them more or less likely to charge at a domestic assault. Table 13 displays responses to this item.

One hundred percent (n=50) of the officers surveyed stated they would be more likely to charge at serious injury assaults. Sixty-four percent (n=32) also felt that previous injury to the victim, regardless of whether she was injured at the time, would make them more apt to charge the assailant. However, 22% (n=11) indicated that they would charge in this situation solely on the evidence before them and that past injuries had little bearing on their courses of action at the scene.

In general, officers indicated that they were significantly less likely to charge in situations where the victim does not want charges to be laid (82%) and where she has previously dropped charges or not shown up in court (80%). Sixty-six percent (n=33) also felt that a couple's first encounter with police was an important factor in deciding not to charge. However, 24% (n=12) stated that they would assign no significance to the fact that the victim was calling the police for the first time and that they would lay charges if there were reasonable and probable grounds to believe an offence had occurred.

Factors which did not appear to influence significantly, officers' discretion to charge at domestic calls were as follows: the leniency of fines and sentencing by the courts and frequent calls from the same household for police assistance. Seventy-eight percent (n=39) stated that actions taken by the courts did not affect in any way their decision to charge or not charge. Additionally, officers expressed no strong opinions as to whether or not they would charge in cases of repeated calls from the same household. Thirty-four percent (n=17) said they would be more likely to charge in this latter situation

while 46% (n=23) indicated they would be less likely to charge. A further 16% (n=8) said they would assign little importance to the fact that the victim had frequently contacted police.

POLICE OFFICER SATISFACTION

When the Calgary Police Service implemented the policy to have investigating officers charge in cases of common assault, it was with the view of increasing the protection and support of victims of domestic assaults. Victim reaction to the policy change has been generally positive (see Chapter 3). Those who had charges laid by the police in their cases expressed satisfaction with how police handled the incident and projected a decrease in these incidents in the future. In light of this positive victim response, it would be of interest to examine police reaction to the policy. Studying police officers' reactions could uncover not only why officers are satisfied or dissatisfied with the policy, but also where officers feel it has improved or reduced their effectiveness at domestic calls, and the aspects of domestic crises intervention which most frustrates officers.

Item 5 on the survey questionnaire asked officers to report whether they were "satisfied" or "dissatisfied" with the new policy. Forty percent (n=20) expressed their satisfaction and 50% (n=25) stated they were dissatisfied. Ten

percent (n=5) did not respond (see Table 14).

For each response to Item 5, officers also were asked to state "why" they were satisfied or dissatisfied with the new policy (Items 5a and 5b). Up to three responses were recorded and officers could express either or both positive and negative opinions. Given the format of this question, a multiple response analysis was performed. Percentages and absolute figures derived thus tally to greater than 100% or 50, since officers could give more than one response to this item.

Twenty-two (44%) of the officers surveyed expressed positive opinions about the policy (see Table 15).[12] Of these 22, 41% (f=9) said they were satisfied with the procedural change because it had increased their "discretionary power" or the "options available" to them at domestic calls. When prompted as to why they felt it had increased their discretionary power, 6 officers responded they were now able to lay common assault charges if warranted, whereas "before," they were limited to "advising victims" to lay their own Informations. In the words of one officer - "If an offence has taken place it should be within our discretion to lay charges."

Forty-one percent (f=9) of the officers also expressed their satisfaction

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[12] This figure is larger than responses tabulated for Item 5 (satisfied = 20) because two officers, who had indicated their dissatisfaction with the policy, also expressed positive opinions when asked "why" they were dissatisfied.

because the policy had "made it easier for the victim." They pointed out that the victim was often "afraid to press charges," particularly if it was the first time she had contacted police. In fear of possible reprisals from her partner and faced with the "intimidating" prospect of "going it alone" in the "legal system," these officers stated that victims seldom proceeded criminally. However, the new policy had taken the "burden" and "responsibility" to charge "off" the victim. Since the victim was no longer required to make this decision, these officers believed victims would be more apt to "follow through" with their cases.

A further 27% (f=6) were of the opinion that the new policy would help "prevent" future abuse. These officers indicated that the batterer would be less likely to abuse his female partner if he knew he would be "charged" or "punished" or that the "police mean business." According to one officer, "we just kept advising before - now we are charging. Charging will calm down ongoing beatings and should deter the husbands."

Other responses (27%) were that the policy had increased police "sensitivity to the fact that charges should be laid" as well as their ability to "monitor" and "follow up" domestic complaints. In regard to the latter, one officer volunteered that under the previous policy he often had had no knowledge of whether the victim had proceeded with the laying of charges or if the abuse had continued since, as he stated, he would submit a report on the incident and that was the "last (he) would hear of it." He felt charging and "following the incident through court" provided him with information he formerly did not have -

either that the incident had not been repeated or that the abuse was continuing and required further action on his part.

Thirty-two (64%) of the officers surveyed expressed negative opinions concerning the policy (see Table 16).[13] Of these, 66% (f=21) said they were dissatisfied with the policy because the complainant often "tries to have the charges dropped"; she does not "show up in court"; or, she is a "hostile witness" when she does appear. The most frequent comment was that many women desired charges to be laid "at the time," but often requested they be dropped the "next day" or when they had "a chance to think about it." Charging, in their opinion, was often "a waste of time" - several officers adding they had "never gone to court yet on a domestic assault."

Thirty-seven percent (f=12) were dissatisfied with the procedural change because they felt the victim should be responsible for the laying of common assault charges. These officers believed that some women were using the policy "to get back" or "lash out" at their husbands and that they had little intention of pursuing criminal charges. Having the victim lay her own Information was seen by these officers as proof of the "legitimacy" of the complaint and the "seriousness" of the victim's intent to proceed to court.

Nineteen percent (f=6) felt increased charging had led to increased

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[13] This number is again larger than responses to Item 5 (dissatisfied = 25) since 7 officers, who had originally stated their satisfaction or who had not responded to the question, gave negative opinions concerning the policy.

withdrawals and added workload for themselves. They expressed their frustration with having had "prepared cases" for trial only to find they had been withdrawn by the Crown. As one officer stated - "You've gone through a lot of work and are left with nothing."

The same percentage (19%) believed the policy had decreased the options available to police at a domestic call. The comment offered by one officer was that "the policy is just telling us to lay charges and forget about it - it's the wrong approach." Several officers raised the additional point that, under the previous policy, if there had been insufficient evidence for police to charge (e.g., no visible marks on the victim), the victim could proceed on the basis of information they often did not possess - that is, knowledge of previous abuse and the circumstances leading up to her call for assistance. As a consequence, they felt in some situations the victim was not being provided with all the information and support she required and, hence, desired the additional option of advising her to lay her own charges.

Nine percent (f=3) were of the opinion that in some cases it was "best not to charge"; that charging would "aggravate the situation" or "add fuel to the fire." These officers volunteered that action by the criminal justice system may not be appropriate in cases of domestic violence. Charging the husband, they felt, often "made things worse" for the victim. They stated the victim generally was not in a position to leave the home and, thus, could be faced with reprisals and retaliation after they had left or while the case was being processed through court. One officer added that although it was now possible to

arrest the male for common assault and remove him from the household, he "usually was released" by a justice of the peace shortly after.[14] He felt if it were possible to detain the assailant for longer periods of time or "until the court date," victims would be less apt to drop charges or not show up in court for fear of retaliation.

Thirteen percent (f=4) also stated that having the investigating officer charge had little impact on domestic violence; that the abuse would continue regardless of police action. The same percentage (13%) expressed dissatisfaction with the policy because they felt they were sometimes charging on the "say-so" of the complainant; when there was insufficient evidence; or when they were unaware of the circumstances leading to the assault.

During the administration of the questionnaire, it was observed that officer reaction to the policy appeared to be divided along lines of job experience (i.e., experienced officers more often expressed dissatisfaction with the procedural change than did officers with less years on the job). In order to determine whether years spent in policing influenced patterns of officer satisfaction, a cross-tabular analysis was performed. The results disclose that

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[14] Bill C-127 changed Common Assault to a dual procedure offence allowing either summary or indiction procedures. This made it possible for police to arrest without having witnessed the commission of the offence. The Calgary Police Service policy requires officers to issue an Appearance Notice in cases of common assault. While an Appearance Notice, by legal definition, constitutes an arrest, the assailant is not physically removed from the household and brought before a justice of the peace. However, it is clear that some officers have exercised their authority to remove the assailant in cases of common assault.

officers with more than 5 years on the job were significantly more likely to be dissatisfied than satisfied with the policy change (75% vs. 25%). Officers with 5 years or less of active service, on the other hand, were more apt to be satisfied than dissatisfied (52% vs. 39%) (see Table 17).

The point raised by many officers who expressed dissatisfaction with the policy was that the responsibility to charge in domestic situations should reside with the victim. To determine whether officers as an aggregate believed the decision to charge was appropriately the victim's, respondents were asked in Item 7: "Whose responsibility do you feel it should be to lay charges at domestic assaults, the police or the victim's?" Table 18 illustrates responses to this item.

Thirty-four percent (n=17) of all officers felt the responsibility to charge should rest with the police and 24% (n=12) stated it was appropriately the victim's decision to charge. However, the majority of officers (42%) did not respond specifically to the statement, most volunteering the severity of the assault determined whether the victim or the police should lay charges. Many of the latter suggested it was difficult to proceed to court unless it was certain the victim would "cooperate" or there was sufficient evidence for the prosecutor to file formal charges. In their opinion, victim noncooperation and case dismissals occurred more frequently with the lesser charge of common assault. In the more serious cases, however, they felt there was less tendency for the victim to drop charges or for the case to be dismissed or withdrawn for lack of evidence.

Analysis of the relationship between officer satisfaction or dissatisfaction and responsibility to charge revealed that 70% (n=14) of all officers who indicated satisfaction with the policy also believed the police should bear the responsibility of charging regardless of the severity of the assault (see Table 19). In contrast, officers who had expressed their dissatisfaction tended to feel it was the victim's decision to charge in all cases (36%) or it was either the victim's or the police depending on the severity of the case (56%).

POLICE ATTITUDES AND PERCEPTIONS

Victimization studies of recent years have shown wife-battering to be more prevalent than once thought and that only a small percentage of women seek outside intervention. Through fear, shame, guilt, or the belief that little can be done, battered victims often fail to take that important first step and report the abuse.

The fact that police have the authority and training to stop the immediate abuse and respond quickly to the complaint often makes them the first choice of women who do seek intervention. The individual officer is thus placed in a unique position when responding to a wife-beating call. He is often the first person to have contact with the victim after the assault and his actions and attitudes play a crucial part in the decision-making process (i.e., whether a

decision is made to arrest or charge the assailant).

While this decision is largely controlled by law and police policy, several authors suggest the individual officer's attitudes and perceptions play the major role in shaping law enforcement's response to domestic violence. The removal of legal barriers or a change in policy thus may be ineffectual unless police attitudes and perceptions have also changed. For example, attitudes such as domestic conflicts are "private matters" or they do not constitute "real" police work, the victim "provoked" the violence and "enjoys" it, or charging will "aggravate the situation" and create a danger to the attending officer, have contributed, according to Jaffe and Burris (1982:31), to "...the officer's failure to view wife assault as a criminal act; consequently charges are often not laid..."

Four items attempted to measure police attitudes toward domestic crises. Two items (12b and 12d) tapped attitudes toward police involvement in familial conflicts. In Item 12b, officers were asked whether they agreed or disagreed with the statement: "Domestic disputes should be handled by social workers and not the police." Eight percent (n=4) agreed and 76% (n=38) disagreed. Item 12d ("The police should only get involved in domestic disputes when there are children in danger") was agreed with by 4% (n=2) of the officers. Ninety-six percent (n=48) expressed their disagreement with the statement (see Table 20).

Literature predicts that officers as an aggregate would state police did not have a proper role intervening in familial conflicts. The findings on these two

items (12b and 12d) do not support this expectation. Rather, Calgary Police Service officers expressed a general willingness to get involved in such calls (even when child abuse was not apparent).

Item 12a attempted to measure attitudes toward the severity of assaults experienced by women in domestic crises. In this item, officers were asked to express either their agreement or disagreement with the statement: "Generally, women in domestic disputes experience serious assaults." Twelve percent (n=6) agreed and 84% (n=42) disagreed (see Table 20).

These data indicate that Calgary Police Service officers do not believe women, in general, experience serious assaults. This belief can be traced to the fact that many domestic assault cases are never formally adjudicated, perhaps supporting officers' contention that victims are more likely to proceed to court in cases of serious assault and, less likely to proceed, in cases where only minor injuries have been sustained.

Item 12b tapped attitudes toward police remaining neutral and not forming prejudgments about who is to blame in domestic crises. This item ("Usually in family fights you can tell who is to blame soon after you're in the door") was agreed with by 34% (n=17) of the officers. Sixty-six percent (n=33) disagreed with the statement.

It has been suggested that officers responding to domestic calls often "...empathize with the offender's situation..." because of personal beliefs that

the victim provoked the violence (Macleod, 1983:398). The assumption that officers hold preconceived notions about who is to blame in these situations was not supported by this finding. However, the fact that over one-third of the officers felt culpability could be determined "soon after" entering the premises points to the need for further analysis in this area.

Four items attempted to tap officers' perceptions of change in handling domestic assaults before and after the policy change. Item 8d asked officers to state their degree of agreement with the following: "Would you say the new policy has increased the danger to yourself in domestic situations?" Six percent (n=3) "completely agreed" and 14% (n=7) "agreed somewhat." By contrast, 62% (n=31) expressed moderate disagreement and, a further 10% (n=5), strong disagreement with the statement (see Table 21).

The belief that more aggressive police action inflames an already volatile situation and creates a serious danger to attending officers has been cited as one reason for police reluctance to charge and arrest in domestic situations. The findings show that most officers did not perceive their charging at such calls to have increased the danger to themselves. Officers' reluctance to charge in these cases appears to stem from concerns other than that of personal safety.

Item 8i measured officers' perceptions of changes in their ability to handle domestic disputes. This item ("Would you say the new policy has made you more confident in dealing with domestic situations?") was agreed with "somewhat" by

26% (n=13) of the officers. Thirty-six percent (n=36) disagreed "somewhat" and 14% (n=7) "completely" disagreed with the statement. Twenty percent (n=10) were undecided (see Table 22).

Most officers did not believe the policy to have increased their level of confidence in these situations. However, given the question format, it is uncertain whether these officers were indicating a decrease or no change in their self-assurance since the policy's introduction. Again, further analysis is required.

Item 12g ("Before the change in policy, the police often avoided laying charges against a husband who had clearly beaten his wife") also measured police perceptions of change in handling domestic assaults, tapping the notion that officers had previously avoided criminal action whenever possible. Forty-percent (n=20) of the officers agreed with the statement and 56% (n=28) disagreed (see Table 23).

The results show that more officers than not felt police had laid charges in cases of obvious domestic assault prior to the policy change (56% vs. 40%). A highly significant percentage, however, believed officers previously had not exercised this option, suggesting that some officers, at least, felt police were more apt to take action in these cases since the introduction of the policy.

Item 10 asked "During the period following the introduction of the new policy, have you experienced an increase, decrease, or no change in each of the

following: the number of assault charges laid by yourself at domestic complaints; the number of times you have used arrest to clear domestic calls; the number of times you have had to use force to establish physical control at domestic complaints; the number of reports you have submitted in relation to domestic cases; satisfaction of the victim to your intervention; and, satisfaction with your own ability to handle domestic complaints. Officers' responses are shown in Table 24.

The only significant increase reported by officers was in relation to the number of reports submitted on domestic complaints. Fifty-eight percent (n=29) stated they had experienced an increase; 12% (n=6) reported a decrease; and, 26% (n=13) felt there had been no change. Most officers reported no change in their use of arrest (68%) or force (78%) at domestic calls. However, officers were closely divided as to whether charging rates, victim satisfaction, and satisfaction with their own performances had remained unchanged or had increased since the policy. Forty percent (n=20) reported no change in the number of assault charges laid and 50% (n=25) stated charging rates had increased. Forty-two percent (n=22) reported no change in victim satisfaction, while 44% (n=21) felt victims were more apt to be satisfied with police handling of their cases after the policy. Forty-two percent (n=21) also believed there had been no change in their own level of satisfaction; 36% (n=18), however, stating they were more satisfied with their performance in the period following the policy's introduction.

The answers to this item suggest officers perceived the policy to have

affected primarily their rates of reporting in cases of domestic assault. However, the number of officers who reported increases in charges laid, victim satisfaction, and their own satisfaction also indicates some policy impact in these areas as well.

Despite the fact that most officers expressed positive attitudes about the appropriateness of police involvement in domestic issues, it was noted in an earlier discussion that officers were divided in their opinion as to how these cases should be handled by police. For example, 34% of the officers surveyed felt police should lay charges at domestic assault complaints, 24% rejected this option, and 42% were of the opinion that the severity of the assault determined whether charges should be laid. It is of interest, therefore, to determine what officers as an aggregate perceived the appropriate police response should be in these incidents.

In Item 13, officers were asked to offer comments or suggestions on how domestic incidents should be dealt with by police (see Table 25). Most officers (40%) indicated they could not directly comment since the response and procedures used varied according to the nature of each call. As a result, each complaint was "handled" or "evaluated differently" - many officers adding they relied primarily on "common sense" or "experience" to decide whether charges were laid or alternative methods used to end the dispute and clear the call.

Twenty percent (n=10) volunteered that a singular police response was not adequate in domestic crises situations. These officers suggested that police

were "initially" required in order to "diffuse" the situation and provide protection for the victim. However, because police often did not "have the time" to counsel and advise the couple, "follow up" by the Victim/Crisis Unit and social service agencies was seen as the only means of preventing further abuse.

Twenty-two percent (n=11) suggested previous policy (i.e., advising the victim to lay her own Information in cases of common assault) should be the appropriate police response. Disagreement with the new policy and victim noncooperation were the reasons most often cited. However, several officers added that charging should be avoided if at all possible - advising the parties, separating the couple, and mediating the dispute viewed as preferrable in these situations.

The remaining 18% (n=9) offered the following suggestions. First, having the police lay charges was deemed the most appropriate response in cases of domestic assault. Second, more specialized training was necessary for police to handle disputes. Third, police should be given the additional option of arresting and removing the assailant from the household. (The present policy directs officers to issue an Appearance Notice in cases of domestic common assault. While an Appearance Notice is an arrest, officers do not physically remove the assailant from the household).

Summary

Many researchers have felt that a more aggressive response from police at domestic calls is essential since assault is a criminal offence requiring immediate intervention and the processing of criminal charges. And, these actions also indicate to the assailant the unacceptabiltiy of his behaviour. The traditional police response has been one of limited or non-intervention. Officers responding to these complaints tended to do so reluctantly and seldom laid charges unless the violence had occurred in their presence or the victim had been seriously injured. When the Calgary Police Service initiated the policy to have investigating officers charge at domestic complaints, it was in response to these concerns.

The survey data gathered and discussed reveals that the impact of the change in police policy regarding the laying of charges has been significant. Responses to Item 4 show that officers have shifted the most frequent procedure used in cases of domestic common assault from one of advising victims to lay their own Informations to their charging of the assailant. Officers who reported advising the victim decreased from 78% to 28% after the policy change; a drop of 50% in the use of this procedure. Conversely, the number of officers who reported laying common assault charges increased from 24% to 65%; a rise of 41%.

The frequency with which officers reported charging at serious injury

domestics and in cases where it was the first time they had been called to the household also went up significantly after the policy change. Seventy-four percent indicated they had arrested and charged in cases of serious injury before the policy and 90% stated they had used this procedure after the policy had been introduced; representing an increase of 16%. And, the number of officers who reported charging in first encounter situations rose from 4% to 28%; a significant 22% increase.

These findings elicit several comments. First, reported increases in common assault charges laid suggest officers in general are responding to minor injury assaults in a manner consistent with policy requirements. Second, the policy also has caused officers to lay charges more frequently at serious assaults. Third, while officers have increased significantly their charging activity in cases where it is the couple's first encounter with police, most officers reported they had not charged in this situation even after the policy change. This implies that officers have been selective in their implementation of policy requirements; that is, officers are less likely to charge in certain domestic situations (e.g., first encounter) and more likely to charge in others (e.g., serious injury).

When asked to identify factors influencing their decision to charge or not charge at domestic calls, officers stated they would be more likely to charge in cases of serious injury and where the victim has previously reported abuse. They reported being less likely to charge, however, when it was the couple's first encounter with police, when the victim does not want charges to be laid,

and, when the victim has previously dropped charges or not appeared in court.

Officers volunteered that they had laid charges, after November 17, in an estimated 11% to 20% of all complaints involving a conflict between a woman and her partner. The reliability of this figure, however, is open to question. Since the analysis of police files reveals a dramatic increase in charging activities subsequent to the policy change, officers' reported percentage of charges laid appears somewhat low. It is possible that some officers misinterpreted the question - giving the percentage of charges laid at all domestic complaints as opposed to only those arising out of conflicts between husbands and wives or partners in common-law relationships. Alternatively, the apparent contradiction might indicate that while the percentage increase in charging is considerable, as revealed by police records and officer reporting, these figures represent only a percentage of reported domestic assaults.

Nevertheless, it is apparent that officers do not lay charges at all complaints of domestic assault. And, since survey results show that charges are laid quite consistently at serious injury domestics, it can be assumed that officers' discretion to charge or not charge is exercised primarily in cases of common assault. The findings discussed suggest that officers exercise their discretion on the basis of two key factors: knowledge of previous abuse and whether the victim is (or has been) cooperative or uncooperative.

At each complaint, an officer must decide if there is sufficient evidence to support the laying of a charge. Some officers volunteered that the evidentiary

basis on which to proceed criminally was often lacking in cases of domestic common assault. According to these officers, police were frequently unaware of the circumstances leading to the complainant's call for assistance or the history of the abuse. This was particularly true when it was the first time police had been called to the household; consequently, officers may have felt that charging could not be justified in these situations. Knowledge of previous abuse, however, provided officers with "reasonable and probable grounds to believe an offence had occurred" and that a charge was warranted.

Officers become aware of past abuse through various channels: official reports documenting previous complaints, informal communication between officers, and prior attendance at the household. Official policy requires officers to attend at all complaints of domestic assault. However, written reports need be submitted only in the event a charge is laid. It can be argued that greater information on past abuse would be obtained if officers were to document all cases of alleged domestic assault and not just those resulting in formalized charges. Officers would then have access to case histories where the woman had previously contacted police, but did not proceed criminally. Since officers reported a greater propensity to charge when aware of past abuse, it is possible that an increase in reporting accountability would also increase charges laid in these cases.

As noted, victim noncooperation appears to have considerable impact on officers' discretion to charge. If a victim is uncooperative at the point of police intervention or if she has been uncooperative in the past, officers

reported they would be less likely to charge. Officers' response appears to focus, instead, on the informal resolution of these cases.

The literature suggests that victims' decisions not to pursue charges are influenced primarily by economic considerations, fear of retaliation, or feelings of guilt and shame. Most officers were of the opinion that victims tended not to cooperate because they were afraid of reprisals from their partner. Some officers, however, felt victims were using the policy solely to "get back" at their husbands and that they had little or no intention of proceeding to court. Perhaps if officers were to be made more aware of why victims fail to cooperate, they would be less reluctant to take criminal action in situations where the complainant desires charges not be laid or where she has previously dropped charges or not appeared in court.

Victim noncooperation was most often cited as the reason for officer dissatisfaction with the new policy. And, as results show, officers were more dissatisfied than satisfied with the procedural change (50% vs. 40%). Officers who responded negatively stated that their dissatisfaction stemmed primarily from the fact that victims tended to drop charges, failed to appear in court, or, were hostile witnesses when they did appear. From this response, it may be that officers were not dissatisfied with the policy per se but, rather, with domestic crisis intervention in general. That is, they were expressing their frustration with routinely encountering victims who failed to proceed criminally and remove themselves from the battering relationship.

Officers also expressed dissatisfaction because they saw the policy as limiting the options available to them at such calls or as having a negative or no impact on domestic violence. Some officers who felt the policy had decreased their discretionary powers desired the additional option of advising the victim to lay her own Information. One rationale provided was that, if there was insufficient evidence for police to charge, the complainant could proceed on her own with the laying of a charge and to court. A second rationale was that the policy placed officers in a position of having to charge even when they believed the evidence to be insufficient or the complaint fraudulent. Other officers desired greater discretion in handling domestic disputes because they believed charging to be an inadequate response in some cases. These officers felt that remedial intervention (i.e., arbitration, mediation, referral, and separation) should be used either in place of charging or in conjunction with criminal action. Officers who saw the policy as having a negative impact believed police and court action would inflame the situation and place the victim in even greater jeopardy due to the retaliations and reprisals of her partner. Additionally, the fact that most domestic assault cases do not reach court and many victims return to the battering relationship, perhaps supported officers' contention that the policy did "not change things."

Officers who responded positively and indicated their satisfaction with the policy, on the other hand, saw charging as particularly effective in preventing abuse. Having the police lay charges, they felt, educates the abuser. Also, these officers believed the policy to have increased their discretionary power and enhanced their ability to stop the immediate abuse, follow up the complaint,

and prevent future assaults on the victim. This action was also viewed as taking the burden of responsibility to charge away from the victim and placing it "where it belonged" - with the police.

Results from the survey show the level of officer satisfaction to be influenced by time spent in policing. Senior officers expressed a higher level of dissatisfaction with the procedural change than did officers with fewer years on the job. Until further research is conducted, one can only speculate as to the reason for this finding. One factor may be officers' predisposition toward change. It is possible that the more experienced the officer, the less likely he is to accept a departure from familiar, practiced procedures. Another factor, and possibly the most critical, may be the senior officer's greater experience with domestic issues and victims of assault. As years spent on the job increase, so do officers' encounters with noncooperative victims, perhaps leaving them with a pronounced sense of frustration toward victims who repeatedly neglect to take steps to halt the abuse. This could explain why many officers believed charging to be a "waste of time"; that unless victims were more willing to cooperate, having police lay charges was but a token gesture which did little to alter the patterns of domestic violence.

Many of the officers who were dissatisfied with the policy also believed the level of victim cooperation varied with the severity of the assault. These officers expressed the opinion that victims were more likely to cooperate fully in the prosecution of their assailants in cases of serious injury as opposed to cases where minor injuries had been sustained. This attitude goes far in

explaining why most officers (56%) who responded negatively to the procedural change felt the severity of the assault should determine whether the police or the victim laid charges. However, over one-third (36%) also stated that the victim should be solely responsible for charging, suggesting that these officers believed victims tended not to cooperate even in the more serious cases of assault.

On the other hand, most officers (70%) who were satisfied with the policy believed the decision to charge should rest with police at all complaints of domestic assault. These officers felt the policy would increase the level of victim cooperation; that is, no longer faced with the decision to charge or "going it alone" within the criminal justice system, they perceived victims as more likely to follow through to the conclusion of their cases.

As noted, officers tended to perceive the policy as primarily affecting their discretionary power at domestic assaults - officers who responded positively saw the policy as increasing their level of discretion in such cases, while officers who responded negatively, aired the opposite point of view. When attention was directed to officers' perceptions of additional areas of policy impact, the only significant change noted was in relation to the number of reports submitted on domestic assaults - officers, in general, reporting an increase in their documentation of these cases after the procedural change. No change was evidenced in either their use of force or arrest. However, as many officers as not reported an increase in the number of charges laid, victim satisfaction toward their handling of their complaints, and their own level of satisfaction

in these cases.

Officers thus perceived the policy as changing their discretionary power and the frequency with which reports were submitted on domestic complaints. However, the fact that officers were divided as to whether or not the procedural change had affected their charging activities at such calls is suprising, especially since actual and reported rates have increased dramatically.

One explanation for this phenomenon is afforded by responses given to Item 13 of the questionnaire. In this question, officers were asked to give comments or suggestions on how domestic assault complaints should be handled by police. The most frequent comment volunteered by officers was that their "common sense" and "experience" formed the basis of how they handled such calls. This suggests that officers are still utilizing a broad degree of discretion in structuring their responses to these situations. And, while they no longer advise victims to lay their own Informations, it appears that many officers feel free to exercise options other than charging to resolve disputes and clear calls. Because discretion remains an integral part of how police deal with domestic complaints, officers' may have perceived that they laid charges less frequently, and used alternative methods more often, than was actually the case.

It is apparent that officers' belief that victims tend to drop formalized charges is a major factor in shaping their response to domestic violence. This finding is not surprising - other reseachers have observed that officers' reluctance to charge in these cases stems from their frustration with repeatedly

encountering victims who fail to pursue criminal action. What is suprising, however, is that attitudes and perceptions held by Calgary Police Service officers differ in many respects from those reported elsewhere. For example, officers were overwhelmingly in favour of police involvement in domestic crises, suggesting they did not view these incidents as private matters "... falling outside the realm of legal intervention..." (Macleod, 1983:397). Officers, in general, also did not hold preconceived notions about who was to blame in these situations. Thus, it can be argued that officers were unlikely not to charge because they believed the victim to have provoked the violence. Nor was concern for personal safety a factor in determing how officers' responded to these calls. However, officers were of the opinion that women, in general, did not experience serious assaults; a belief which can perhaps be traced to the fact that many domestic assault cases are never formally adjudicated due to victim noncooperation.

While officers, in general, indicated that domestic complaints should properly be handled by police, some officers (20%) suggested that a police response alone was inadequate. They believed police should intervene to stop the immediate abuse and "diffuse" the situation, but that a more integrated approach involving follow up and counselling by the Victim/Crisis Unit or social service agencies was also required. Other officers (22%) felt complaints should be resolved informally rather than criminally. Charging was to be avoided due to the high frequency of victim noncooperation and also because criminal action did more harm than good in cases of domestic violence.

In conclusion, officers reported a significant increase in their charging activities in cases of domestic assault. However, officers are selective in their implementation of policy requirements, suggesting that officers' discretion remains of crucial importance in structuring their responses to these situations. Officers exercise their discretion on the basis of two key factors: knowledge of previous abuse and the level of victim cooperation. While police policy can do little to alter patterns of victim cooperation, increasing reporting accountability and, in turn, officers' awareness of past abuse, might also increase charges laid in these cases. In addition, the policy states officers will not advise the complainant to lay her own Information and "should" lay charges when there are "reasonable and probable grounds to believe an offence had occurred." Since the analysis of police files showed no private Informations being laid after November 17, it can be presumed that officers are strictly adhering to this section of the policy directive. However, the fact that officers report they often do not charge when it is the couple's first encounter with police or when the victim is uncooperative, suggests officers are interpreting the charging section of the policy with a significant degree of discretion. A more explicit statement of policy requirements, as they relate to charging, might possibly increase officers' propensity to charge in cases of domestic assault.

CHAPTER 5

PROSECUTORS, THE JUDICIARY, AND DOMESTIC ASSAULT CASES

Four prosecutors and two judges were interviewed to determine whether the new charging procedure had an effect on the traditional roles and procedures they used to prosecute domestic assault cases, and to identify any related issues of importance concerning this policy. Data was collected using unstructured, personal interviewing techniques.

The general attitude of prosecutors and judges alike toward the police policy of charging in domestic assault cases was positive, notwithstanding the many problems they felt were inherent in prosecuting these cases. These parties also stated that the new procedure did not have a significant impact on their own activities in terms of workload. All parties concurred that the policy was a positive step forward because 1) it is more likely that criminal acts will be prosecuted, and 2) it removes the onus from women to lay such charges. Removing the responsibility from women was seen as preferable as prosecutors were aware of the complex of variables which operated against women going forward with Private Information procedures.

All parties voiced the concern that the problems that generate these

incidents were social maladjustment, interpersonal or psychological problems, and that a criminal justice response was not a complete or adequate answer. Several parties stated that while criminal justice penalties were necessary, it did not follow that such enforcement would ameliorate the conditions that brought upon the problem.

The prosecutors interviewed stated that they handle domestic assault cases in the same way they do any assault case, as the Attorney-General of Alberta has no specific policy regarding procedures if the case is 'domestic' in nature. Like other interpersonal matters, prosecutors view the situation as potentially volatile and know that witness cooperation can present difficulties.

On the issue of contact between witness/victim and prosecutor, again cases are treated as in any other assault. Generally, if the case is "complicated," most prosecutors indicate they will speak to witnesses beforehand to review and discuss the case. In "ordinary" cases, the prosecutors wait until the victim is called to the stand. Prosecutors seemed to feel that there was generally an equal number of victims attempting to reach them, as they were trying to reach to discuss the forthcoming court appearance. Prosecutors reported that the overwhelming reason that victims try to contact them was to request that charges be dropped.

Questions about the conditions under which a charge would be withdrawn by prosecutors received varying answers. Generally, important variables mentioned as to the appropriateness of withdrawal were:

- the seriousness of the case itself - the more serious cases being less likely to be withdrawn;
- previous convictions of accused, which would mean that present charges would not likely be withdrawn;
- the ability of the victim to convince the prosecutor that withdrawal is the best course;and
- the availability of witness/victims, particularly in conjunction with the first point.

Crown prosecutors and judges alike indicated they were aware of the pressures many women are under to request that charges be dropped. They stated that women are unlikely to openly articulate these pressures with the exception of telling prosecutors that a husband may lose his job, or suffer income reduction as a result of a criminal sentence. Prosecutors reported that, as the prosecution impacts on both parties, such concerns should be considered carefully. It was the opinion of one prosecutor that victims' requests for withdrawal should not be interpreted to mean that they feel that the accused party is not guilty, but that there are other important concerns which may override victims' desire to see the charge proceeded upon.

Despite the percentage of cases which result in convictions (47% since Nov. 18, 1982) and the numbers of Withdrawals (41%), all prosecutors felt positive benefits resulted from the charging procedure. As one prosecutor said, the very fact that a charge was laid and the accused party had to appear in public court transmitted the message that his actions were noticed and were considered criminal. This in fact concurred with the reports of some women who stated that the impact that accompanied the laying of a charge was important in itself.

Some prosecutors also stated that the charge also provided an extra weapon for women who, should they feel threatened again, could always remind their partner of the consequences. This was corroborated by women as well who said that at least for the duration of the court proceedings, this threat was a valuable asset.

Regarding the types of sentences that are ordered in these cases, it was generally thought that fines were "a waste of time," and there was some surprise that no jail sentences had been ordered since the policy change, particularly as intermittent or weekend sentences are possible. (At the time of interview, no jail sentences had been ordered. Since that time, one case resulted in a 30-day sentence.) One prosecutor suggested an appropriate sentence might include a Suspended Sentence with a probationary period including the condition that the offender be enrolled in a counselling program. Prosecutors also stated that in speaking to sentence, they do not request judges to order compulsory counselling. All saw the need for counselling, but emphasized that, as prosecutors, their job was not to act as social workers but to prosecute cases, and therefore they did not see themselves in the role of promoting such options.

There is a program available for batterers in Calgary, however, there does not appear to be any referral system established between it and the judicial or prosecuting arms of the justice system.

Some Family Court personnel felt their jurisdiction to be better equipped to deal with domestic assault cases than the Criminal (Provincial) Court. One

Family Court judge made the point that the main and originating justification for the establishment of a Family Court was that it could deal with cases which required other than a strictly law enforcement application, as it had social programs at its disposal. Due to budgetary restraints, many of these resources were now unavailable and he felt that Family Court now closely resembled regular Criminal Court. This party also suggested that diversion may be used effectively in domestic assault cases, as opposed to incidents between strangers where he felt diversion was less appropriate.

Summary

The charging procedure as adopted by the police department is positively viewed by other areas of the criminal justice network who feel that 1) benefits flow from it to the victim, and 2) that it results in a more even, routine application of the Criminal Code. Prosecutors stated that they prosecute and deal with domestic assault cases in the same way they do any assault case. Problems associated with their prosecution stem from the intimate relationship of the parties which creates conditions where one party might not want to pursue the prosecution course.

Prosecutors reported that in many cases, women contact them in an attempt to have charges withdrawn against their partners. Important determinants of

whether this would happen were 1) the seriousness of of the cases, 2) the persuasiveness of the woman, 3) the availability of witnesses and strength of the evidence and 4) the previous record of the accused.

While prosecutors do not feel fines are appropriate, they do not wish to engage in social work activities, but see their mandates as one of applying the Criminal Code. This makes alternative forms of sentencing unlikely as prosecutors are not apt to request counselling to be ordered as part of the sentence. There is a treatment program for offenders in Calgary, but no formal referral system has been established and little utilization of it has been made by the courts.

It was suggested that Family Court as it was originally envisioned may provide a more appropriate setting for domestic assault cases.

CHAPTER 6

SUMMARY

Police departments are being encouraged to pursue a more active law enforcement response to domestic assaults. Not only are individual departments becoming more aware of the implications of the limited or non-intervention approach, but the Canadian Parliament passed a unanimous motion in 1982 encouraging police departments to take this more aggressive approach. Additionally, the limited amount of Canadian research that is available (Jaffe and Burris, 1982; Dutton, 1977) has pointed to the efficacy of such an approach.

In November 1982, the Calgary Police Service adopted a new, more aggressive response to domestic assault complaints. This procedure called for police officers to lay common assault charges in these cases rather than the former procedure of requesting women to attend at police headquarters to swear to a private Information. This step provided an opportunity to compare the history of cases occurring both before and after that date. The information gathered in the resulting study explored the impact of the Calgary Police Service's new charging procedure on charging rates and court adjudications, on victim attitudes and their satisfaction with the police handling of their incident, and on police officer perception of and attitudes toward intervention in domestic

situations.

A simulated before-after design was developed. Data collection techniques included structured and unstructured interviews (personal and telephone) and analysis of secondary data (i.e., police records and court documents). The research methodology was somewhat weakened by the fact that both the 'before-policy' victim group and all police officers were interviewed after the implementation of this policy. As a result, the effects of history may constitute threat to validity. Additionally, the study encountered a problem that appears to be almost endemic to crime victim studies using past-victim samples, that is, low completion rate (39%). This was due mainly to changes of residence resulting from the incident. It may be that those who were unable to be contacted constituted a significantly diffferent segment of the population of domestic assault victims. Further methodological considerations were addressed in Chapter 1.

The data collected indicated that the Calgary Police Service's procedural change to have police officers initiate charges in cases of domestic common assault resulted in a considerable increase in absolute numbers of charges laid and convictions obtained. While there does not appear to be significant variation in the monthly numbers of 'domestic' and 'domestic assault' complaints to the police department, monthly numbers of charges of assault against an intimate partner have risen from 2 per 100 complaints to 14 per 100 complaints. Alternatively stated, for every one (1) charge laid previous to November 18, 1982, seven (7) are now laid. There has been an increase, not only in common

assault, but also assault OBH charges, indicating a greater propensity by police officers to charge in all cases of assault. This feature is consistent with the findings of Burris and Jaffe (1982:16). These changes are presumed to have resulted from the policy directive as available information does not indicate an increase in victim reporting or incidence of domestic assault cases.

The increased charging rates that were indicated in police records were also supported by police reporting of their activities. That is, when provided with typical scenarios of domestic assaults, officers reported that since the procedural change, they were more likely to lay charges than simply to advise the victims of their choices of action. On the other hand, officers estimated that they laid charges in an average of 11% to 20% of these incidents.

Many factors may enter into an officers' decision whether or not to lay charges, however the above information gave rise to questions about the number of incidents that did not result in charges. Officers were directed to lay charges where there were "reasonable and probable grounds." Given this condition, it appeared that officers did not at all times lay charges. They reported that their decisions were mitigated by the seriousness of the injury, whether it was a first encounter with the complainants, and whether the victim wished charges to be laid. Most victims reported that they discussed with police officers the matter of charges and it appeared that this discussion was an important determinant whether charges were laid. This suggested that officers have used their own discretion in their implementation of the policy. They were less likely to charge in certain domestic situations (e.g., first

encounters, where women do not wish charges, or where victims previously attempted to have charges dropped or not appeared in court), and were more likely to charge in others (e g., serious injury, where the victim previously reported abuse). Possible explanations for these disparate findings were 1) that officers in reporting their charging percentages were interpreting domestic complaints/assaults to include other incidents not strictly speaking wife-battering (e.g., verbal disputes, or assaults between friends and relatives who are not spouses or intimate parties), or 2) that while percentage increase in charging is considerable, this figure represents only some percentage of reported spouse abuse complaints. Given the second condition, it would appear that implementation of the policy has not been fully achieved, although it has certainly been partially implemented. A more explicit statement of policy requirements, as they relate to charging, might possibly increase officers' propensity to charge in cases of domestic assault. Additionally, submission of reports in cases where no charges are laid would be advisable--as knowledge of previous assaults was cited as a determinant in officers' decisions to charge.

While absolute charging frequency, charging rates and conviction frequencies have increased, rates of conviction declined from 57% in the pre-policy group to 47% in the post-policy group. This was accompanied by an an increase in Withdrawal rates (from 29% to 41%). Since the adoption of the charging procedure fines were the most common form of sentence (range = $20 to $500) followed by Suspended Sentences (22%) and absolute or conditional Discharges (which rose from 0% to 14%). The high rate of withdrawals is consistent with the

experience in another Canadian city (see, Burris and Jaffe, 1982:26) where a high percentage of both Withdrawals and Dismissals were found. In Calgary, Dismissals accounted for 8% of post-policy cases. The leniency of fines and the high occurrence of Withdrawals were cited by officers as reasons they were dissatisfied with the procedure to lay charges, although they did not report these as factors in their decisions to charge.

Almost half of the respondents (47%) reported that pressure was placed on them by their partner to have charges dropped. As a result of this pressure or from other concerns, fully half of respondents made some attempt to do so. Victims' apparent contradiction in their desire to have police lay charges on the one hand, and their propensity to request withdrawal on the other hand is a problematic area (see Chapter 3). First, in total, 71% of victims commented on the impact of the laying of charges on the assailant. These comments indicated that in the victims' minds, the laying of charges increased the legitimacy of the complaint and impressed on the assailant the unacceptability and seriousness of his actions. Information from victim workers and prosecutors also suggested that victims wish the police department to press charges to impress upon assailants that such actions were unacceptable, and that women used the threat of charges as leverage against future assaults. On the other hand, 50% of respondents reported that they had spoken to the crown prosecutor or others in an attempt to have charges dropped. It may be speculated that victims see the laying of charges as a serviceable deterrent in itself at least for the short term, as indicated by their comments. However, there is no doubt that they are subjected to pressure from their partners to have charges dropped. Victims

requests for withdrawal were explained by others in the criminal justice system as resulting not from disagreement that police should lay charges but from the various pressures and situations in which such women find themselves.

The charging procedure was positively received by the victims of these incidents. First, a majority of assaulted women indicated that they felt police bore the primary responsibility for deciding whether charges were laid. Second, they estimated that laying charges would result in a decreased number of future assaults. Third, they disagreed that appearing and testifying in the prosecution of their cases would increase the likelihood of future assaults. In all, 70% of victims in whose cases charges were laid expressed satisfaction with the way the police handled the incident, and 71% commented on the impact that laying charges had on their partners. A frequently volunteered comment was that parties should be separated, and that the assaulting party, not the victim, should be made to leave. Some respondents also stated they felt that the attitude and concern of police officers was important in conveying to the assailant the legitimacy of victims' complaint.

While the majority of victims (60%) felt it was the responsibility of the police to initiate and lay charges in domestic situations, less officers (34%) felt this to be their sole responsibility. Fully 42% of officers stated that victims and police shared responsibility; that is, in serious injury cases the police should charge, while in cases of no or minor injury the responsibility should lie with the victim. Sixteen percent (16%) of victims echoed that sentiment. Indeed, this was the previous procedure (police initiated charges

for OBH, victims initiated common assault charges) and it resulted in fewer charges in both categories. Despite this, police felt that domestic disputes should not be handled solely by social service agencies. This indicated that they saw the issue as one with criminal and law enforcement implications, not solely of familial or social concern.

With respect to the prosecution of cases, 70% of victims reported that they were "satisfied" or "very satisfied" with the way their case was handled through its prosecution. The majority of victim concerns centered around 1) the leniency of court sentences, 2) the lack of information they had about their court case, 3) their lack of a role in the court proceedings, and 4) the speed with which their case was adjudicated. Respondents were generally satisfied with the verdict brought down by the court, but often felt that when parties were found guilty, the sentences were too lenient.

Police officers, victims and crown prosecutors all projected positive benefits from police-laid charges in terms of reduction of future assaults on victims. Officers (96%) agreed that the new procedure increased the protection of victims and deterred husbands from further abuse of their wives. Thirty percent (30%) reported a decrease in callbacks to the same households. Victims reported a cessation of assaults for the duration of the court case and projected a decrease in the future. Some prosecutors felt that the impact (embarrassment, annoyance, etc.) of a charge might deter assailants from further incidents. Ultimately, this is the desired long term objective of this policy and it was the opinion of most respondents that the charging policy would go

some way toward achieving that end. A longitudinal study would be necessary to determine whether these projections are accurate.

In general, most criminal justice system respondents thought that most sentences handed down when guilty verdicts were reached (e.g. fines) were not appropriate and did not support the above-mentioned objectives. Many crown prosecutors and judges interviewed felt that these incidents were caused in the main by personal maladjustment or psychological problems and that they probably would not be ameliorated by typical criminal justice sentences. The consensus was that treatment for offenders should be incorporated into sentencing. This concurs with Burris and Jaffe's (1982) view that counselling should "complement" not "replace" prosecution (p.41). Dismayingly, some victims reported that they paid the fines ordered as sentences. Others said that the fine affected the whole family, and some stated that their partner needed help with his problem.

Victim satisfaction with the policy of police-laid charges was considerably higher than that of police officer satisfaction. Half of the officers surveyed (50%) stated that they were dissatisfied with the policy. It is interesting to note however that their reasons for dissatisfaction were centered around issues that are not the main objectives of this policy, which are to remove the onus to charge from the victim by taking a more aggressive law enforcement response, to recognize the legitimacy of complaints, to increase protection for women and ultimately to reduce the possibility of future assaults. Officers expressed overwhelming agreement that these objectives are promoted by the policy. Their reasons for dissatisfaction were their concerns mentioned above (e.g., attempts

to have charges dropped), that they felt the old procedure to be more efficient in time and workload, and that the policy represented a decrease in their discretionary powers. It should be noted that with the exception of the victim's previous attempts to have charges dropped, the issues which resulted in dissatisfaction with the procedure were not necessarily influential in the decision whether or not to lay charges. That decision was based primarily on the seriousness of past or present assaults, and previous reports of abuse.

Interpreting these seemingly disparate findings, police officers view a police role as legitimate in domestic assault complaints, but know the problems inherent in proceeding with criminal charges (i.e., the propensity of victims to try to have charges withdrawn, hostile witnesses). This results in dissatisfaction with the charging procedure. The victim on the other hand sees the laying of charges as an appropriate response to the incident and a method of jolting the assailant into an awareness of the seriousness and wrongness of his actions. At that time, it is possible that the victim does not heavily weight the problems associated with the prosecution of the case, which are all too clear to the experienced police officer. It is possible then that neither party fully appreciates the concerns of the other and that each views the situation from his or her individual and unique perspective. This points to the need to sensitize <u>both</u> parties to the concerns of the other. For the victims, an outreach program that contacts every identified victim of spouse abuse and provides information, services and support is required. For police officers, sensitization would entail training both at the recruit and inservice level to increase awareness of the practical and difficult choices and concerns often

facing women who are assaulted by their partners.

While not explicitly stated in the policy directive, it was implicit in the rationale which led to the change in procedure that police-laid charges represented not only more aggressive law enforcement, but was also a demonstration of support for battered women. The laying of charges provides an entry point at which such women may begin to receive the legal and social services they require. Indeed, it may be the only access point for many women. It is not apparent from the data collected from the police officer questionnaire that this feature is well understood and accepted, although some officers suggested an integrated approach with social service agencies. Recruit or inservice training of police officers dealing with these issues may be beneficial in this respect.

Officers are aware that many of the charges they lay in these cases are subsequently withdrawn by the prosecutor, or that fines are minimal, and this is a source of dissatisfaction to them. It is difficult to imagine that such knowledge will motivate officers toward full implementation of the charging procedure. Indeed, it may be reasonable to expect that such information is more apt to lead to slippage in implementation. To this end, and also to improve the chances for reduced recidivism, it is necessary for all elements of the criminal justice system and social service agencies to deal with domestic assaults in a coordinated way. This was the first recommendation made in one Canadian city (London, Ontario) when representatives from all concerned parties attempted to formulate a plan to tackle this problem (Jaffe and Burris, 1982:61). The steps

taken by each agency in the criminal justice system impact on all others in that network. Therefore, it is necessary to make changes in concert with these significant others. As was determined in London (Ontario), "the needs (of women) are beyond the solution provided by one program or only one part of the system. The needs can only be met through a whole spectrum of services ranging from police intake to the court disposition. Many programs require support and a renewed responsiveness from other parts of the system" (Jaffe and Burris, 1982:62).

The procedures and policies of one part may not complement, and may even conflict, with others in the network, and this also points to the need for a coordinated approach. Such an approach would entail the establishment of a committee of representatives from all agencies involved. It would require the development of some plan of action whereby agencies efforts complemented each other. Ideally such efforts would take into account the unique dynamics that surround such cases. Possibly, procedures would involve alternative methods of prosecution, the promotion of sentencing alternatives that are more appropriate to assaults between intimate parties, and the use of existing programs for abused and abusive parties. Prosecutors already take into account the requests of women as is indicated by the withdrawal of charges at victims' requests. It would not constitute a radical departure to respond to other of their concerns, that is, to get help for the abusive partner. As prosecutors wield considerable leverage at this point, the abusive partner may be more amenable to such a suggestion or recommendation. Other opportunities present themselves at the time of sentencing. Probation orders can include the condition that

offenders comply with conditions that will "prevent a repitition by him of the same offense" (Section 663(2)(h)cc.). This could entail compulsory involvement in therapy programs. Also important is the development of public education initiatives to increase awareness of both the problem of spouse abuse, and the support services available for both abused and abusive parties.

It may be envisaged that such an initiative would result in increased involvement of the victim in the prosecution of the case. (The lack of involvement was cited by some as a source of dissatisfaction with the prosecution of the case.) An approach to the prosecution of cases that involved victims, that encouraged the use of counselling and therapy for offenders would possibly alleviate dissatisfaction felt by many women, as well as reduce their attempts to have charges withdrawn. It may also mitigate some of the concerns and sources of dissatisfaction of police officers, particularly if they could see that cases in which they were involved were satisfactorily resolved.

This kind of approach would require the support and encouragement of the various criminal justice and social service agencies concerned. It would entail the development of a coordinated plan of action that would be acceptable to and endorsed by all parties.

This study centered on the short-term impact of one police department's policy to lay charges in domestic (common) assault cases. Several issues of importance emerged during the course of this research which are appropriate

focuses for future investigation. First, it is necessary to identify the various pressures facing women after charges have been laid and, if such pressures exist, to determine the kinds of social support systems needed for women at that time.

Second, an analysis of long-term recidivism rates, where varying kinds of support systems, prosecution approaches, sentencing and charging policies are utilized, would help all areas of the criminal justice to plan and adopt appropriate roles.

Third, as police officer attitudes and discretion play such a pivotal role in determining whether charges are laid, and in turn whether victims receive the services they require, increased attention to the issues surrounding wife-battering may profitably be given in police recruit and in-service training. This may lead to increased implementation of the charging policy. Also, as awareness of past abuse was a factor in officers' decisions to lay charges, more complete record keeping of incidents which do not result in charges should be encouraged.

Fourth, police departments have been encouraged to adopt a more aggressive law enforcement response to domestic assaults. Their efforts should be supported and complemented by efforts from other agencies of the criminal justice system. This, of necessity, would require discussion between all agencies dealing with law enforcement, legal services, prosecution, judicial concerns and social services to develop a holistic, coordinated approach to the

handling of domestic assault cases. Such a response need not entail wholesale departures from established policy, but rather a commitment to ensure that available services are provided battered women and abusive men, and that appropriate prosecution decisions and alternative forms of sentencing are considered. This would enhance the possibility that goals of various arms of the criminal justice system complement each other and do not inadvertently undermine the efforts of others.

To conclude, the Calgary Police Service's charging policy has made a significant impact on the numbers of (domestic) assault charges being processed through the courts, and the numbers of convictions secured. There is at present no integrated approach within the criminal justice system in Calgary to meet the unique problems in the handling and prosecution of these cases. Possibly, the initiatives of the police department will act as a challenge to other areas of the criminal justice system to similarly rethink their procedures and their methods of dealing with these cases. Although the immediate objectives of the policy appear to have been realized, it is difficult to envision that the ultimate aims of reduced incidence of domestic assaults will be realized without such a coordinated approach.

APPENDIX A. POLICY DIRECTIVE

CALGARY POLICE SERVICE
316 - 7th AVENUE SOUTH EAST • CALGARY, ALBERTA T2G 0J2 • TELEPHONE 265-3330
ADDRESS ALL CORRESPONDENCE TO: THE CHIEF CONSTABLE

MEMO #118

17 November 1982

TO: All Personnel

RE: Investigation of Assault Complaints

In the past it has been the policy of the Calgary Police Service to advise the complainants to lay their own Informations in complaints of common assault. As the result of much discussion on this topic in Parliament and locally, our policy will be changed.

Effective immediately, the policy in this regard will be:

(1) In all cases where there are reasonable and probable grounds to believe an offence has occurred, charges should be laid by the investigating officer.

(2) Reports and charge sheets must indicate the relationship between the victim and the accused.

(3) Do not advise the complainant to lay his/her own Information.

(4) Where possible, obtain a written statement from the complainant.

All assault charges will initially appear in Criminal Court. The Senior Agent of the Attorney General's Office, Calgary, will determine where the case is heard.

E. Madsen

Ed Madsen, Deputy Chief
BUREAU OF STAFF OPERATIONS

EM/mg

CALGARY POLICE SERVICE

316 - 7th AVENUE SOUTH EAST • CALGARY, ALBERTA T2G 0J2 • TELEPHONE 265-3330

ADDRESS ALL CORRESPONDENCE TO: THE CHIEF CONSTABLE

MEMO #119 18 November 1982

TO: All Personnel

RE: Investigation of Assault Complaints

After consultation with Mr. R. Davie, the Senior Agent for the Attorney General's Department, Calgary, the following procedures will be followed dealing with assaults as described in Memo #118:

— When a police officer attends a complaint where there are reasonable and probable grounds to believe a common assault has occurred and all parties involved are still present, the police may issue an appearance notice.

— If any of the parties involved have left the scene and the police officer wishes to lay charges, he must proceed by way of summons or warrant application depending on the circumstances of the case.

— In those incidents where the officer finds the person committing the assault or where an assault OBH has occurred, the police have the power of arrest.

This does not detract from the fact that an appearance notice may be issued, should the circumstances meet the criteria of the Criminal Code.

E. Madsen

Ed Madsen, Deputy Chief
BUREAU OF STAFF OPERATIONS

EM/mg

APPENDIX B. FIGURE AND TABLES

FIGURE 1: Semi-Logarithmic Presentation of Number and Mean Average of Domestic Calls, Domestic Assault Calls, and Charges Laid Per Month, August, 1982 to March, 1983.

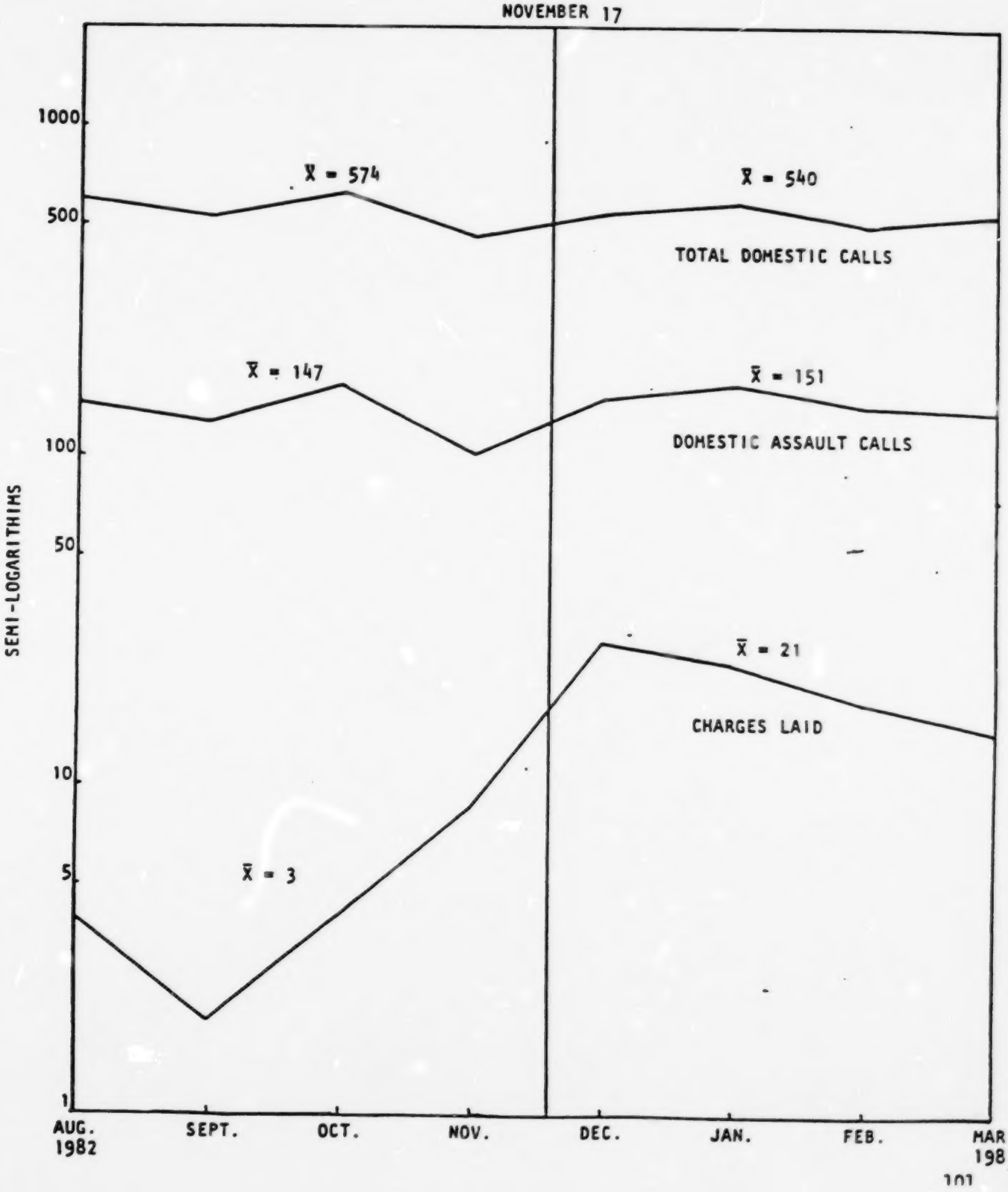

TABLE 1. Monthly (Domestic) Assault Charging Rates, August 1982 to March 1983.

	(1) Total Domestics Dispatched (10-11's)		(2) Total Domestics Assaults Dispatched (10-11/10-05's)		(3) Total Number (Domestic) Assault Charges Laid	(4) Charging Rate (3)/(2)	(5) Charges per 100 complaints
August 1982	581		146		4	.03	3
September	528	$\bar{x}$=574	129	$\bar{x}$=147	2	.02	2
October	613		167		4	.02	2
November	466		103		9	.09	9
December	563		152		27	.18	18
January 1983	575	$\bar{x}$=540	166	$\bar{x}$=151	24	.14	14
February	502		148		18	.12	12
March	520		138		15	.11	11

SOURCE: Calgary Police Service, Communication Section, Records Section

TABLE 2. Conviction rates for (domestic) assaults, August 1982 to March 1983.

	(1) Number of (Domestic) Assault Charges Laid and Adjudicated.*	(2) Number of Convictions**	(3) Conviction Rate (2)/(1)		(4) Convictions per 100 charges
August 1982	4	4	1.00		100
September 1982	2	1	.50	.50	50
October 1982	4	0	.00		0
November 1982	7	4	.57		57
December 1982	24	6	.25		25
January 1983	19	6	.32		32
February 1983	17	7	.41	.34	41
March 1983	10	5	.50		50

* Numbers differ from numbers in Table 1. (Column 3) as some cases have not completed their adjudication in court.

** Convictions = Guilty, Suspended Sentences, Discharge. Outstanding warrants are treated as non-convictions.

SOURCE: Calgary Police Service, Records Section, Provincial and Family Court Dockets.

TABLE 3. Types of charges and charging frequency before and after November 17, 1982.

	BEFORE POLICY			AFTER POLICY			TOTAL
CHARGES LAID	%	(N)		%	(N)		(N)
Assault (Common) (Level I)	21	(3)	27%	59	(51)	76%	(54)
Assault (OBH) (Level II)	71	(10)		31	(27)		(37)
Other *	7	(1)		9	(8)		(9)
TOTAL	100	(14)		99	(86)		(100)
NO CHARGES LAID		N=37	73%		N=27	24%	(64)
TOTAL (Occurrence Reports Submitted)		(51)			(113)		(164)

* Other - Breach of Restraining Order
Threats
Weapons Charges

SOURCES: Calgary Police Service, Records Section
Court Dockets (Family and Criminal Court)

TABLE 4. Court Adjudications by Type, for cases occurring between August 8, 1982 and March 23, 1983.

	Before Policy		After Policy		Total
	%	(N)	%	(N)	(N)
Not Guilty	-	(0)	4	(3)	(3)
Guilty	57	(8)	47	(36)	(44)
Withdrawn	29	(4)	41	(31)	(35)
Dismissed	14	(2)	8	(6)	(8)
	100	(14)	100	(76)	(90)

Missing cases= 10

Missing cases include outstanding warrants (N= 6) and cases currently under court adjudication (N= 4). All missing cases are in 'After Policy' group.

TABLE 5. Sentences ordered in assault (domestic-related) cases occurring before and after policy change.

	Before Policy		After Policy		TOTAL
	%	(N)	%	(N)	
Gaol	25	(2)	3	(1)	(3)
Fine	50	(4)	61	(22)	(26)
Suspended Sentence	25	(2)	22	(8)	(10)
Absolute/ Conditional Discharge	-	(0)	14	(5)	(5)
TOTAL	99	(8)	100	(36)	(44)

Valid Cases - 44

Missing cases - 0

TABLE 6. Amounts of Fines ordered in assault (domestic-related) cases occurring before and after policy change.

	Before Policy		After Policy		Total
	%	(N)	%	(N)	
Less than $50.00	25	(1)	9	(2)	(3)
$50 - 99	50	(2)	5	(1)	(3)
$100 - 199	25	(1)	36	(8)	(9)
$200 and over	-	(0)	50	(11)	(11)
TOTAL	100	(4)	100	(22)	(26)

Valid Cases - 26

Missing cases - 0

TABLE 7. Victim satisfaction with police handling of their incident, before (Group 1) and after (Group 2) procedure change.

	Group 1	Group 2	Total
Very Satisfied	19 (4)	37 (15)	31 (19)
Satisfied	38 (8)	50 (20)	46 (28)
Not Satisfied	43 (9)	13 (5)	23 (14)
TOTAL	100 (21)	100 (40)	100 (61)

$x^2 = 7.5$ df= 2 $\alpha = .02$

Missing cases - 2

TABLE 8. Satisfaction with police handling of incident by whether charges laid.

	No Charge Laid	Charge Laid	Total
Very Satisfied	16 (4)	42 (15)	31 (19)
Satisfied	40 (10)	50 (18)	46 (28)
Not Satisfied	44 (11)	8 (3)	23 (14)
TOTAL	100 (25)	100 (36)	100 (61)

$x^2 = 10.0$ df=2 $\alpha = .007$

Missing cases - 2

TABLE 9. Question 22: I'd like to read two statements and ask you to tell me which one best expresses your own feelings.

1. In cases of domestic assault, it should be the responsibility of the police to decide whether charges should be laid. (That is, everytime they have evidence to suggest that an assault has occurred, they should lay charges.)

(or)

2. In cases of domestic assault, it should be the responsibility of the victim to decide whether charges should be laid. (That is, if that party does not want charges laid, they should not be laid, even if the police feel that there is evidence to suggest that an assault has occurred.

	TOTAL	CHARGES LAID	NO CHARGES LAID
1. Police Officer responsibiltiy	60 (37)	68 (24)	48 (12)
2. Victim responsibility	24 (15)	22 (8)	28 (7)
3. Undecided	16 (10)	10 (4)	24 (6)
	100 (62)	100 (37)	100 (25)

$x^2=2.18$ df=2 $\alpha=0.34$

Missing cases - 1

TABLE 10. Assault Victims Expectation of Future Assault By whether charges laid. (Question #19).

	Charge Laid	No Charge Laid	Total
Increase	7 (2)	48 (11)	25 (13)
Same	13 (14)	17 (4)	15 (8)
Decrease	80 (24)	35 (8)	60 (32)
TOTAL	100 (30)	100 (23)	100 (53)

$x^2 = 13.5$ df= 2 $\alpha = .001$

TABLE 11. Agreement to statement, "Having to be a witness in your own assault case makes it more likely that you will be assaulted in the future by the same person", by whether charges laid.

	Charge Laid	No Charge Laid	Total
True	33 (10)	75 (15)	51 (25)
False	67 (19)	25 (5)	49 (24)
TOTAL	100 (30)	100 (19)	100 (49)

$x^2 = 7.8$ df= 1 $\alpha = .005$

TABLE 12: Question 4: "Could you please tell me what procedure you used in each situation BEFORE (AFTER) the policy to charge at domestic complaints was introduced."

Procedure	Type of Incident		
	Serious Injury		
	BEFORE	AFTER	Percent Difference
Arrested/Charged Assault OBH	74% (37)	90% (45)	+16 %
Valid Cases	50	50	
	Slight Injury		
	BEFORE	AFTER	Percent Difference
Advised Victim of Choices of	78% (39)	28% (14)	-50 %
Valid Cases	50	50	
	BEFORE	AFTER	Percent Difference
Charged Common Assault	24% (12)	65% (32)	+41 %
Valid Cases	50	50	
	Slight Injury (First Encounter)		
	BEFORE	AFTER	Percent Difference
Advised Victim of Choices of Action	68% (34)	50% (23)	-18 %
Valid Cases	50	50	
	BEFORE	AFTER	Percent Difference
Charged Common Assault	4% (2)	28% (14)	+22 %
Valid Cases	50	50	

TABLE 13 : Officers' Discretion to Charge or Not Charge at a Domestic Call

	MORE LIKELY	LESS LIKELY	NO INFLUENCE	TOTAL
The victim does not want her partner charged.	0% (0)	82% (41)	18% (9)	100% (50)
The victim has previously dropped charges or not shown up in court.	4% (2)	80% (39)	16% (8)	100% (49)
The victim is seriously injured.	100% (50)	0% (0)	0% (0)	100% (50)
The victim has been injured previously.	64% (32)	10% (5)	22% (11)	96% (48)
The leniency of fines and sentencing for domestic assaults.	2% (1)	20% (10)	78% (39)	100% (50)
It is the couple's first encounter with the police	10% (5)	66% (33)	24% (12)	100% (50)
Frequent calls from the same household for police assistance	34% (17)	46% (23)	16% (8)	96% (48)

TABLE 14 : Question 5: "Generally, are you satisfied or dissatisfied with the new policy that has the investigating officer instead of the victim laying charges at domestic assaults?"

Satisfied	Dissatisfied	No Response	Total
40 %	50 %	10 %	100 %
(20)	(25)	(5)	(50)

TABLE 15: Question 5a: "Could you please tell me why you are satisfied with the new policy?"

	OFFICERS SATISFIED WITH POLICY		
RESPONSE*	F	% OF RESPONSES	% OF CASES
Increases discretionary power/ options available to police at domestic calls. Makes police job easier.	9	25	41
Takes responsibility/onus/ burden off victim to charge. Makes it (charging, court process) easier for the victim.	9	25	41
Helps deter/stop/prevent continued or further abuse of victim.	6	17	27
Allows police to lay common assault charges if there are reasonable and probable grounds.	6	17	27
	36	100%	163%

Valid Cases = 22

* Each response represents a "multiple response" item (i.e., for question 5a, a respondent could legitimately make up to 3 replies as to "why" he was satisfied with the new policy.)

TABLE 16: Question 5b: "Could you please tell me why you are dissatisfied with the new policy?"

	OFFICERS DISSATISFIED WITH POLICY		
RESPONSE*	F	% OF RESPONSES	% OF CASES
Charges withdrawn at victims request. Victim doesn't appear in court. Victim is a hostile witness in court.	21	37	66
Decreases discretionary power/ options available to police at domestic calls.	6	11	19
Increases time/workload for police.	6	11	19
Charges, release by J.P., and fines increase abuse/"aggravate situation"/"add fuel to fire."	3	5	9
Police charging on "say-so" of victim; when insufficient evidence; or, when unaware of circumstances leading to the assault.	4	7	13
Policy has no impact/effect on domestic violence. "Does not change things."	4	7	13
Victim should be responsible for laying of charges in cases of common assault.	12	21	37
Other	1	1	2
	57	100%	178%

Valid Cases = 32

* Each response represents a "multiple response" item (i.e., for question 5b, a respondent could legitimately make up to 3 replies as to "why" he was dissatisfied with the new policy.)

TABLE 17: Cross-tabular Analysis of Officer Satisfaction and Years Spent in Policing

	YEARS SPENT IN POLICING		
	FIVE YEARS OR LESS	OVER FIVE YEARS	ROW TOTAL
Satisfied	52% (16)	25% (4)	43% (20)
Dissatisfied	39% (12)	75% (12)	52% (24)
Column Total	91% (28)	100% (16)	95% (44)

$x^2 = 6.03$; d.f. = 2; $\alpha = .05$

TABLE 18 : Question 7: "Whose responsibility do you feel it should be to lay charges at domestic assaults, the police or the victim's?"

Police	Victim	Depends	Total
34 %	24 %	42 %	100 %
(17)	(12)	(21)	(50)

TABLE 19 : Cross-tabular Analysis of Officer Satisfaction and Responsibility to Charge.

	RESPONSIBILITY TO CHARGE			
	POLICE	VICTIM	DEPENDS	ROW TOTAL
Satisfied	70% (14)	10% (2)	20% (4)	42 % (20)
Dissatisfied	8% (2)	36% (9)	56% (14)	52 % (25)
COLUMN TOTAL	19% (16)	24% (11)	40% (18)	94% (45)

$x^2 = 20.0$; d.f. = 4; $\alpha = .0003$

TABLE 20: Police Attitudes Toward Domestic Crisis Intervention

STATEMENT	AGREEMENT WITH STATEMENT AGREE	DISAGREE	TOTAL
Domestic disputes should be handled by social workers and not the police.	8% (4)	76% (38)	84% (42)
The police should only get involved in domestic disputes when there are children in danger.	4% (2)	96% (48)	100% (50)
Generally, women in domestic disputes experience serious assaults.	12% (6)	84% (42)	96% (48)
Usually in family fights you can tell who is to blame soon after you're in the door.	34% (17)	66% (33)	100% (50)

TABLE 21: Question 8d: "On a scale of completely agree, agree somewhat undecided, disagree somewhat, and completely disagree, would you say the new policy has increased the danger to yourself in domestic situations?"

DEGREE OF AGREEMENT

	%	n
Completely Agree	6	3
Agree Somewhat	14	7
Undecided	8	4
Disagree Somewhat	62	31
Completely Disagree	10	5
Total	100%	50

TABLE 22: Question 8i: "On a scale of completely agree, agree somewhat, undecided, disagree somewhat, and completely disagree, would you say the new policy has made you more confident in dealing with domestic situations?"

DEGREE OF AGREEMENT

	%	n
Completely Agree	0	0
Agree Somewhat	26	13
Undecided	20	10
Disagree Somewhat	36	18
Completely Disagree	14	7
Total	96%	48

TABLE 23: Question 12g: "Before the change in policy, police often avoided laying charges against a husband who had clearly beaten his wife."

AGREEMENT WITH STATEMENT		
AGREE	DISAGREE	TOTAL
40% (20)	56% (28)	96% (48)

TABLE 24: Question 10: "In the past seven months (during the period following the introduction of the new policy), have you experienced an increase, decrease, or no change in each of the following?"

	INCREASE	DECREASE	NO CHANGE	TOTAL
The number of assault charges laid by yourself at domestic complaints.	50% (25)	2% (1)	40% (20)	92% (46)
The number of times you have used arrest to clear domestic calls.	26% (13)	2% (1)	68% (34)	96% (48)
The number of times you have had to use physical force to establish physical control at domestic complaints.	16% (8)	2% (1)	78% (39)	96% (48)
The number of reports you have submitted in relation to domestic complaints.	58% (29)	12% (6)	26% (13)	96% (48)
Satisfaction of the victim to your intervention.	44% (22)	4% (2)	42% (21)	90% (45)
Satisfaction with your own ability to handle domestic complaints.	36% (18)	20% (10)	42% (21)	98% (49)

TABLE 25 : Question 13: "Do you have any comments or suggestions to make on how domestic assault incidents should be dealt with by the police?"

RESPONSE	%	N
Each situation handled/treated/evaluated differently. Use of common sense/police experience.	40 %	20
Follow up by Crisis Unit/Social Services	20 %	10
Advise victim to lay own Information	22 %	11
Other	18%	9
TOTAL	100 %	50

APPENDIX C. VICTIM QUESTIONNAIRE

DOMESTIC ASSAULT VICTIMS

1. NAME _____

2. ADDRESS _____

   (2) _____

3. TELEPHONE NO. (1) _____

   (2) _____

4. RESPONDENT NO. _____

5. C.P.S. # _____

   V.S.U. # _____

6. DATE OF OCCURRENCE _____
   (day) (month) (year)

7. AGE _____

8a. Nature of charge laid -

____ Assault O.B.H., wife battering, level 2

____ Common Assault, wife-battering, level 1

____ Threats

____ Combination of assault and other charges

____ Other _____

____ No charges laid

8b. What was your main reason for not laying charges?

_____

_____

8c. If charges laid, at whose initiative was it?

_____

_____

9. Procedure used to lay charge:

__1__ Appearance Notice

__2__ Summons

__3__ Warrant

__4__ Arrest

__5__ Private Information

__6__ Other (specify) _____

_____

10. Relationship of parties:

__1__ Married

__2__ Common Law

__3__ Separated

__4__ Divorced

__5__ Other (specify) _____

_____

11. Were any weapons involved in incident?

__1__ Yes

__2__ No

Type _____

12a. Was the female injured?

__1__ Yes

__2__ No

__3__ Threats only

12b. Type of injury -

__1__ No visible injury, pushed around, etc.

__2__ Bruises, black eye, scratches

__3__ Cuts

__4__ Broken bones, teeth knocked out

__5__ Knife wounds

__6__ Gunshot wounds

__7__ Internal injuries, knocked unconsious, concussion.

__8__ Other

13. Treatment of injury -

__1__ None required

__2__ Hospital emergency services outpatient only

__3__ Office visit - doctor/dentist

__4__ Admitted to hospital

__5__ Unknown

.4. Who called police?

____ Female

____ Male

____ Friend, neighbor, relative

____ Other _____

15. Was male present when police arrived?

____ Yes

____ No

____ Unknown

16a. Was anyone removed from premises?

____ Yes, female removed

____ Yes, male removed

____ No one removed

16b. Immediately after the incident, did you leave your residence temporarily to stay overnight with friends, neighbors or family, or did you go to the Women's Emergency Shelter or any other residence.

__1__ No

__2__ Yes, friend, neighbors

__3__ Yes, relatives

__4__ Yes, Women's Emergency Shelter

__5__ Yes, other _____

__6__ No, but other party left.

17. Children AGE NAME

_____ _____

_____ _____

_____ _____

_____ _____

18. History of abuse: a. Has this type of incident ever happened before?

__1__ yes

__2__ no

b. If YES, ask: How often on average, would you say?

__1__ more often that once a week

__2__ once a week

__3__ two cr three times a month

__4__ once a month

__5__ never happened before

__6__ Exact number of times _____

c. If 1, 2, 3 or 4, ask:

For about how long has this been going on?

_____
(number of months)

d. Were you injured in any of these incidents?

__1__ yes

__2__ no

Type of injury _____

e. Did you call the police for any of these incidents?

__1__ yes

__2__ no

Number of times _____

f. Were charges ever laid before?

__1__ yes

__2__ no

____ other _____

19. Court adjudication of current charges:

__1__ not guilty

__2__ guilty

__3__ withdrawn

__4__ dismissed

__5__ absolute, conditional discharge

__6__ warrant

__7__ other _____

20. Sentence:

(check as many as appropriate)

__1__ fine

__2__ Gaol _____ (length of time)

__3__ Probation _____ (length of time)

__4__ Conditions

__5__ Absolute/conditional discharge

__6__ other _____

21. Court where case heard:

(after first appearance)

__1__ Criminal Court

__2__ Family Court

__3__ other _____

22a. Number of court appearances required to adjudicate case:

0 1 2 3 4 5 6+

22b. Number of times victim/witness subpoenaed:

0 1 2 3 4 5 6+

22c. How subpoenae received:

__1__ Del'd by police officer

__2__ Del'd by Summons Branch

__3__ Mail

__4__ Telephone

__5__ Other _____

22d. Number of times witness gave testimony?

0 1 2 3 4 5 6+

22e. Date of Final Adjudication:

_____

1. At the time of the incident, did you want the police to lay charges?

__1__ Yes __2__ No __3__ Other _____

2. At the time of the incident, did you ask the police to lay charges?

__1__ Yes __2__ No __3__ Other _____

3. INTERVIEWER: ASK ONLY IF INJURY

I believe that you were (slightly) injured in the incident. How did this happen? Was there any other violence (either threatened or actual).

01 threw or smashed something at the other

02 threw, smashed, hit or kicked something

03 pushed, grabbed, or shoved other one

04 threw something at other one

05 slapped other one

06 kicked, bit or hit with a fist

07 hit or tried to hit with something

08 beat up the other one

09 threatened with a gun or knife

10 used a gun or knife

11 other _____

4. Were you living with the other party at the time of the incident?

__1__ Yes __2__ No __3__ Separated, divorced __4__ Other _____

5. How long had you been living with _____, or how long had you been involved in this relationship?

_____ _____
(code as # of months)

6. Since this incident, have you changed your living arrangements with _____?

1 Still living together

2 Was living together, now separated (divorced)

3 Was separated (divorced), still separated (divorced)

4 Other _____

7. How old is the other party?

_____ years

8a. Do you believe that you should have done more to prevent this incident?

__1__ Yes

__2__ No

__3__ Don't know

__4__ Other _____

8b. Would you say that you were:

__1__ Not at all responsible

__2__ Slightly responsible

__3__ Somewhat responsible

__4__ Mostly responsible

__5__ Completely responsible

9a. After the incident, did anyone offer to help you in any way, or did you ask for and receive any kind of help or information?

NAME OF AGENCY	TYPE OF SERVICE	HELPFULNESS OF SERVICE 1 2 3 4
		H SH NH O
		H SH NH O
		H SH NH O
		H SH NH O
		H SH NH O

9b. Do you have any comments to make on these services?

_____

_____

10. Was there any help/service that you did not receive, but would have liked to have? What was it?

_____

_____

11. Was the case withdrawn (etc.) or charges dropped before it went to court?

__1__ No __3__ Withdrawn __3__ Other _____

12. Did you and _____ meet with the crown prosecutor to discuss the incident and the court case?

__1__ Yes __2__ No __3__ Only at time case was heard __4__ Other _____

13a. Did the crown prosecutor explain what you might expect to happen to court and/or such things as court procedure?

__1__ Yes __2__ No __3__ Other _____

13b. What was discussed?

_____

_____

14a. Did the crown prosecutor ever make you feel that you were responsible for the assault, or that you shared responsibility for the assault?

__1__ Yes, explicitly

__2__ Yes, implicitly

__3__ No

__4__ Other _____

14b. In what way? _____

_____

15a. Did the judge in any way make you feel that you were responsible for the assault, or that you shared responsibility for the assault?

__1__ Yes, explicitly

__2__ Yes, implicitly

__3__ No

__4__ Other _____

15b. In what way? _____

_____

16. After the incident and until the end of the court case, do you think this type of incident increased or decreased between you and the other party?

__1__ Increased

__2__ Same

__3__ Decreased

__4__ Not applicable, because no contact

__5__ Other _____

INTERVIEWERS: BE AWARE OF COURT VERDICT AND SENTENCE.

17a. Do you feel that the verdict of this case was just?

__1__ Just

__2__ Unjust

__3__ Other _____

17b. If NO or OTHER, why do you feel that way? _____

_____

17c. (ASK ONLY IF GUILTY)
Do You feel that the sentence of this case was just?

__1__ Just

__2__ Unjust

__3__ Other _____

17d. If UNJUST or OTHER, why do you feel that way? _____

_____

18a. Did the other party ever apply pressure on you to have the charges dropped?

__1__ Yes

__2__ No

__3__ Other _____

18b. Did you ever try to have the charges dropped, or ask that the charges be dropped? (asked prosecutor, judge, police officer)

__1__ Yes

__2__ No

18c. Who did you ask?

__1__ Crown Prosecutor

__2__ Judge

__3__ Police Officer

__4__ Other _____

19. Do you think that laying (assault) charges will increase or decrease the number of times you and the other party will experience this type of incident in the future?

__1__ Increase

__2__ Decrease

__3__ Same

__4__ Other _____

20. Do you have any comments or suggestions to make on how domestic assault incidents should be dealt with by the police?

_____

_____

. . . . by the courts? _____

_____

21. Do you think the following statement is true or false?

T F DK Having to be a witness in your own assault case makes it more likely that you will be assaulted in the future by the same person.

22. Now I'd like to read two statements and ask you to tell me which one best expresses your own feelings.(INTERVIEWER: Circle appropriate statement).

1 In cases of domestic assault, it should be the responsibility of the police to decide whether charges should be laid. (That is, everytime they have evidence to suggest that an assault has occurred, they should lay charges).

2 In cases of domestic assault, it should be the responsibility of the victim to decide whether charges should be laid. (That is, if that party does not want charges laid, they should not be laid, even if the police feel that there is evidence to suggest that an assault has occurred.

3 _____

_____

_____

23. Generally, are you satisfied with the way this incident was handled by the police and the courts?

Police VS S NS (Comments) _____

_____

Courts VS S NS (Comments) _____

_____

24. If a similar incident happened to you in the future, would you report it to the police?

1 Yes

2 No

3 Don't know

4 Other _____

IF 2, 3, 4, ASK: Why do you say that? _____

_____

TO CONCLUDE THIS INTERVIEW, I WOULD LIKE TO ASK YOU A FEW QUESTIONS ABOUT YOURSELF FOR STATISTICAL PURPOSES.

25a. Which of the following best describes your main activity in the last six months?

__1__ Working at a job

__2__ Looking for work

__3__ A student

__4__ Retired

__5__ A homemaker/housewife

__6__ Other _____

25b. What is your occupation? _____

25c. What exactly do you do in your job? _____

26. What is the highest grade or level of education you ever completed?

__1__ No schooling

__2__ Some
- ELEMENTARY
__3__ Completed

__4__ Some
- HIGH SCHOOL
__5__ Completed

__6__ Some
- COMMUNITY OR TECHNICAL COLLEGE, NURSES TRAINING ETC.
__7__ Completed

__8__ Some
- UNIVERSITY OR TEACHER'S COLLEGE
__9__ Completed

__10__ Some
- POST-GRADUATE UNIVERSITY STUDIES
__11__ Completed

__12__ Other education or training _____
(specify)

27a. What type of dwelling do you live in? (at time of incident)

__1__ Single family residence

__2__ Duplex, row-house, townhouse

__3__ Apartment - low rise 5 stories

__4__ Apartment - high rise +5

__5__ Rooming house, hotel

__6__ Trailer

__7__ Other (institution, nursing home, etc.) _____

27b. How long had you lived there? _____ (months) _____

28a. In which of the following ranges did your total family income fall in 1982? Include all income, before taxes and deductions, of all members of your family. Stop me when I get to the right category.

__1__ Less than 9,000

__2__ 9,000 to 14, 999

__3__ 15,000 to 19,999

__4__ 20,000 to 24,999

__5__ 25,000 to 29,999

__6__ 30,000 to 39,999

__7__ 40,000 and over

__8__ Don't know

__9__ Refused

28b. Of that amount, approximately what percentage did you contribute?

_____%

APPENDIX D. POLICE OFFICER QUESTIONNAIRE

ASSAULT POLICY SURVEY

(Officer name and rank) _____?

My name is _____

and I am from the Police Planning Section. The Chief is concerned with how the new policy to have investigating officers charge at domestic calls has affected your job. As you know, this new policy was implemented almost seven months ago on November 17th, 1982, and it represents a radical departure from how we previously handled domestic disputes. I would be interested in obtaining your opinion on some questions about domestic calls and the new policy. It will take approximately 10 minutes to do over the telephone. All your answers are strictly confidential and will be used for statistical purposes only.

First, I would like to ask you some questions about domestic complaints in which the wife or common-law wife is the victim?

1. In the past 7 months, how many domestic complaints where the wife or common-law wife is the victim have you attended on average each month?

_____ (Record actual number)

---

2. What percentage of these resulted in your laying of assault charges against the husband?

(Check one)

0%	( )	51 - 60%	( )
1 - 10%	( )	61 - 70%	( )
11 - 20%	( )	71 - 80%	( )
21 - 30%	( )	81 - 90%	( )
31 - 40%	( )	91 -100%	( )
41 - 50%	( )		

3. In the past 7 months, under what circumstances have you simply advised the wife of her choices of action and then cleared the call?

(Do not read list. Indicate order of mention up to three responses, e.g., 1, 2, 3)

( ) Under all circumstances.
( ) If no crime committed.
( ) When wife does not desire that charges be laid.
( ) When husband or wife or both are intoxicated.
( ) Couple's first encounter with the police.
( ) Commission of a summary offence.
( ) No injury to wife.
( ) Slight injury to wife, e.g., small cuts and bruises.
( ) Frequent calls for assistance from same household.
( ) No use of weapon.
( ) Other (specify_____).

---

4. I am going to read several situations you may have faced when attending a domestic call. Please tell me what procedure you used in each situation BEFORE the new policy to charge at domestic complaints was introduced.

(Do not read list. Check all that apply up to three responses. For each situation, ask next - What procedure did you use AFTER the new policy was introduced?)

(a) When you entered the house, you saw that the wife was seriously injured. What procedure did you use BEFORE the new policy was introduced?

(What procedure did you use AFTER the new policy was introduced?)

	BEFORE	AFTER
Determine how wife became injured	( )	( )
Arrested husband	( )	( )
Summoned medical assistance	( )	( )
Advised wife of her choices of action	( )	( )
Separated couple	( )	( )
Mediated or negotiated dispute	( )	( )
Issued appearance notice (summons or warrant if husband not present) for common assault.	( )	( )
Issued appearance notice (summons or warrant if husband not present) for assault O.B.H.)	( )	( )
Removed husband from household	( )	( )
Removed wife to hotel or household of friend or relative	( )	( )
Removed wife to women's shelter	( )	( )

4. continued

	BEFORE	AFTER
Referred to social agency	( )	( )
Called Crisis Unit	( )	( )
Gave a warning and left	( )	( )
Situation has not occurred	( )	( )
Other (specify _____ _____.	( )	( )

(b) The wife was injured but not seriously. For example, she had bruises and small cuts. What procedure did you use BEFORE the new policy was introduced? (What procedure did you use AFTER the new policy was introduced?)

	BEFORE	AFTER
Determine how wife became injured	( )	( )
Arrested husband	( )	( )
Summoned medical assistance	( )	( )
Advised wife of her choices of action	( )	( )
Separated	( )	( )
Mediated or negotiated dispute	( )	( )
Issued appearance notice (summons or warrant if husband not present) for common assault	( )	( )
Issued appearance notice (summons or warrant if husband not present) for assault O.B.H.)	( )	( )
Removed husband from household	( )	( )
Removed wife to hotel or household of friend or relative	( )	( )
Removed wife to women's shelter	( )	( )
Referred to social agency	( )	( )
Called Crisis Unit	( )	( )
Gave a warning and left	( )	( )
Situation has not occurred	( )	( )
Other (specify _____ _____.	( )	( )

(c) The wife was not injured, but you knew that she had been badly beaten by her husband in the past. What procedure did you use BEFORE the new policy was introduced? (What procedure did you use AFTER the new policy was introduced?)

continued

4. continued

	BEFORE	AFTER
Advised wife of her choices of action	( )	( )
Separated couple	( )	( )
Mediated or negotiated dispute	( )	( )
Removed husband from household	( )	( )
Removed wife to hotel or household of friend or relative	( )	( )
Removed wife to women's shelter	( )	( )
Referred to social agency	( )	( )
Called Crisis Unit	( )	( )
Gave warning and left	( )	( )
Other (specify_____ _____.	( )	( )

(d) Both the victim and her husband had been drinking heavily. What procedure did you use BEFORE the new policy was introduced? (What procedure did you use AFTER the new policy was introduced?)

	BEFORE	AFTER
Determined if and/or to what extent injured	( )	( )
Summoned medical assistance if wife seriously injured	( )	( )
Arrested husband	( )	( )
Advised wife of her choices of action	( )	( )
Separated couple	( )	( )
Mediated or negotiated dispute	( )	( )
Issued appearance notice (summons or warrant if husband not present) for common assault	( )	( )
Issued appearance notice (summons or warrant if husband not present) for assault O.B.H.	( )	( )
Removed husband from household	( )	( )
Removed wife to hotel or to household of friend or relative	( )	( )
Removed wife to women's shelter	( )	( )
Referred to social agency	( )	( )
Called Crisis Unit	( )	( )
Gave warning and left	( )	( )
Other (specify _____ _____.	( )	( )

(e) It was the first time the police had been called to the household. When you arrived, you saw bruises on the wife's face and arms. What procedure did you use BEFORE the new policy was introduced? (What procedure did you use AFTER the new policy was introduced?)

continued

4. continued

	BEFORE	AFTER
Determined how wife became injured	( )	( )
Arrested husband	( )	( )
Summoned medical assistance	( )	( )
Advised wife of her choices of action	( )	( )
Separated couple mediated a negotiated dispute	( )	( )
Issued appearance notice (summons or warrant if husband not present) for common assault	( )	( )
Issued appearance notice (summons or warrant if husband not present) for assault O.B.H.	( )	( )
Removed husband from household	( )	( )
Removed wife to hotel or household of friend or relative	( )	( )
Remove wife to women's shelter	( )	( )
Referred to social agency	( )	( )
Called Crisis Unit	( )	( )
Gave a warning and left	( )	( )
Situation has not occurred	( )	( )
Other (specify _____ _____.	( )	( )

5. Generally are you satisfied or dissatisfied with the new policy that has the investigating officer instead of the victim laying charges at domestic assaults?
(Check one)

satisfied ( )
dissatisfied ( )

(a) (If satisfied), could you please tell me why you are satisfied with the new policy?_____

_____

_____

_____

(b) (If dissatisfied), could you please tell me why you are dissatisfied with the new policy? _____

_____

_____

_____

6. Do you have any other comments to make about the new policy?

_____

_____

_____

7. Now I would like to ask you whose responsibility you feel it should be to lay charges at domestic assaults, the police or the victims'? (Check one)

police ( )
victim ( )

8. On a scale of completely agree, agree somewhat, undecided, disagree somewhat, and completely disagree, would you say that the new policy (Circle one for each statement)

Has increased the protection of the victims?	CA	A	U	D	CD
Has led to either spouse using the courts for revenge?	CA	A	U	D	CD
Has deterred husbands from further abuse of their wives?	CA	A	U	D	CD
Has increased the danger to yourself in domestic situations?	CA	A	U	D	CD
Has made abused women more apt to contact the police for assistance?	CA	A	U	D	CD
Has made it more difficult for you to calm down and diffuse a domestic fight?	CA	A	U	D	CD
Is a more effective way of dealing with domestic situations than previous policy?	CA	A	U	D	CD
Has taken away your discretion on how a domestic dispute is best handled?	CA	A	U	D	CD
Has made you more confident in dealing with domestic situations?	CA	A	U	D	CD

9. Before the introduction of the new policy, what percentage of the domestic calls that you attended resulted in your laying of assault charges against the husband? (Check one)

0%	( )	51 - 60%	( )
1 - 10%	( )	61 - 70%	( )
11 - 20%	( )	71 - 80%	( )
21 - 30%	( )	81 - 90%	( )
31 - 40%	( )	91 -100%	( )
41 - 50%	( )		

10. In the past 7 months, have you experienced an increase, decrease, or no change in each of the following.

	INCREASE	DECREASE	NO CHANGE
The number of calls for police assistance involving a fight between a husband and wife.	( )	( )	( )
The number of assault charges laid by yourself at domestic complaints	( )	( )	( )
The amount of violence BEFORE your arrival at a domestic call	( )	( )	( )
The amount of violence AFTER your arrival at a domestic call	( )	( )	( )
Satisfaction of the wife to your intervention	( )	( )	( )
Satisfaction with your own ability to handle domestic complaints	( )	( )	( )
The number of callbacks to the same households	( )	( )	( )
The number of times you have used arrest to clear domestic calls	( )	( )	( )
The number of times you have had to use physical force to establish control at domestic complaints	( )	( )	( )
The number of reports you have submitted in relation to domestic calls	( )	( )	( )
The number of dismissals and withdrawals of domestic assault cases	( )	( )	( )
The number of convictions for assault in domestic cases	( )	( )	( )
The number of times you have appeared in Court as a police witness in domestic assault cases	( )	( )	( )

11. I have prepared a list of reasons which may influence your decision to charge or not charge at a domestic assault. Could you please tell me whether each of the following reasons has made you more likely or less likely to charge.

	MORE LIKELY	LESS LIKELY	NOT IMPORTANT
The wife does not want her husband charged	( )	( )	( )
The wife has previously dropped charges or has not shown up in court	( )	( )	( )
The wife is seriously injured	( )	( )	( )
The wife has been injured previously	( )	( )	( )
A weapon has been used	( )	( )	( )
The husband is intoxicated	( )	( )	( )
Both the husband and wife are intoxicated	( )	( )	( )
The lack of convictions from domestic cases	( )	( )	( )
The leniency of fines and sentencing for domestic assaults	( )	( )	( )
It is the couples' first encounter with the police	( )	( )	( )
A summary offence has been committed	( )	( )	( )
The need to obtain a witness statement from the victim	( )	( )	( )
The additional report writing for yourself	( )	( )	( )
The availability of social services and civilian alternatives like the Crisis Unit	( )	( )	( )
Frequent calls from the same household for police assistance	( )	( )	( )
The lack of recognition from your superiors for laying charges at domestic calls	( )	( )	( )
The use of violence against yourself at a domestic call	( )	( )	( )
The likelihood of future violence	( )	( )	( )
The policy dictates that you lay charges at a domestic assault	( )	( )	( )

12. I am now going to read some statements about domestic disputes. Please tell me if you agree or disagree with each statement.

		AGREE	DISAGREE
(a)	Generally, women in domestic disputes experience serious assaults	( )	( )
(b)	Domestic disputes should be handled by social workers and not the police	( )	( )
(c)	Usually in family fights you can tell who is to blame soon after you're in the door	( )	( )
(d)	The police should only get involved in domestic disputes when there are children in danger	( )	( )
(e)	In cases of domestic assault, it is generally best for the victim if charges are laid against the husband	( )	( )
(f)	Most times there is no point in charging the husband because the wife will just try to have the charges withdrawn anyways	( )	( )
(g)	Before the change in policy, the police often avoided laying charges against a husband who had clearly beaten his wife	( )	( )
(h)	In cases of domestic assault, it is best to resolve the dispute by charging the husband	( )	( )

13. Do you have any comments or suggestions to make on how domestic assault incidents should be dealt with by the police?

_____

_____

_____

14. Finally, I would like to ask you where you are currently assigned?_____ and where you have been assigned since August 1st of last year? (Record up to three assignments)

1._____ 2._____ 3._____

15. Also, how many years have you spent in policing?

_____(Record years)

16. (DO NOT ASK. FILL IN)

Sex of officer

Male ( )
Female ( )

Thank you very much for your time and co-operation.

APPENDIX E. BIBLIOGRAPHY

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